CHAPTER III

REVIEW OF LITERATURE

This chapter comprises three sections. Section I contains a comprehensive survey of literature on criminological theories, as they have developed over time. Section II begins with a section on the effect of urbanisation processes on crime trends with specific reference to Mumbai city, followed by a section on criminal justice system and process in India and its possible impact on youth.

Section III begins with a survey of literature on the specific category of youth crime that this study aims to study, beginning with an introduction and concepts related to the professional criminal. This is followed by a discussion of what constitutes organised crime, its definition, history, nature, scope and magnitude of activities. Subsequently, there is a discussion on extortion as a form of organised crime. It concludes with a discursive sub-section on youth gangs and youth involvement in organised crime.

SECTION I: A SURVEY OF CRIMINOLOGICAL LITERATURE

Introduction

Studies on juvenile and youth offenders have constituted the foundation of modern crime and delinquency theories, particularly emanating from the West, which has produced the bulk of the existing criminological literature. Most studies have focused on the issue of motivation i.e. why young people offend? (Sanders, 2005).

One view of crime is that it is ‘acting-out’ behaviour, involving high levels of physical energy, risk-taking, bravado and a devil-may-care attitude, usually associated with the phase of youth in a life-cycle. Gottfredson and Hirchi (1990) viewed the nature of criminality as low self-control. Individuals with low self-control want instant gratification, lack patience, are adventurous and active, and possess few cognitive skills. Criminal ‘acts provide immediate…easy gratification of desires…are exciting, risky, or thrilling’ (ibid., p. 89).
Several theories have been propounded to answer the question of why in crime studies. David Garland (1994) propounds that criminological research has been influenced by two schools – ‘governmental’ and ‘lombrosian’. The former constitutes a continuing series of empirical studies based on collection and collation of crime-data by the State and State sponsored agencies, which has reinforced the claim that criminology is a rational and evidence-based activity (Coleman and Moynihan, 1996, p. 1). From the 1950s onward, attention to sampling, measurement, sophisticated multivariate analysis has increasingly dominated criminological research (Hagan and McCarthy, 1997, p. 4).

On the other hand, the ‘lombrosian’ (positivist) school has tried to build a science of causes, which according to Garland (1994, p. 18), is based on the premise that “criminals can somehow be differentiated from non-criminals”. The samples for this school came primarily from official agencies such as the police, prisons and the courts – a captive population which could be easily accessed and compared and contrasted with the ‘normal’ population to arrive at theories on crime causation (Coleman and Moynihan, 1996, p. 2). The positivist emphasis on ‘an objective scientific approach to understanding causes of crime has dominated most twentieth century theories including functionalists, control theories and the Chicago School’ (Moyer, 2001, pp. 50-51).

Development of criminological theories: From functionalism to postmodernism

Functionalism

The functionalist perspective, which emerged in the nineteenth century and has continued through the twenty-first century, was built on the positivist approach, emphasized on the studying society as an organic whole, and the functions that institutions play in the maintenance of order in society. It moved away from the individualistic approach to the study of crime, typical of the lombrosian and psychological schools. Functionalists were mainly concerned with creation of order and harmony in society and therefore the study of crime was one of their prime concerns. Durkheim (1895) viewed crime as a ‘normal’ phenomenon; it serves a purpose that is necessary in society i.e. prepare for changes that are necessary in future. It is indicative of the need for reform in society (Moyer, 2001, p. 56).
Merton (1938) later developed Durkheim’s concept of anomie as a condition, which occurs when there is a mismatch between the culturally prescribed goals and institutionally available means in a given society. Once anomie occurs, individuals experience strain and adapt differently. Crime according to him, is one of the modes of adaptation, when the institutional means are not available to an individual to achieve the culturally accepted goals of society, and is a result of a society in disequilibrium (ibid, pp. 61-62).

The Chicago school

The Chicago School sociologists examined crime at the macro level through ecological studies that dominated the early part of twentieth century and at the micro level through case studies of suicides and delinquent gangs and life histories of delinquent youth and the professional or habitual offenders. The School had a profound influence on the interactionist perspective and conflict theories, which were to follow later (Moyer, 2001, pp. 127-128). Among the early important studies were Thrasher’s (1927) The Gang, Reckless’s (1933) Vice in Chicago, Hayner’s (1936) The Sociology of Hotel Life, Anderson’s (1923) The Hobo, Shaw’s (1930, 1966) The Jackroller and Sutherland’s (1937) The Professional Thief. All these studies were characterized by a diversity of methodologies and theoretical perspectives (ibid., p. 85).

Thrasher’s path breaking study of gangs suggested that gangs develop from spontaneous playgroups, when they begin to incite disapproval and opposition, develop a group consciousness and become a conflict group. Based on his study of 1,313 gangs, he categorized them into diffuse, solidified, conventionalized and criminal gangs. In The Adolescent in the Family, Cavan (1934), studied predelinquent, delinquent and a control group of boys from schools in Chicago area. She found that delinquent children came from broken homes as compared to the children in the control group.

Frasier (1932) followed an ecological analysis that became the trademark of the Chicago School during that period. His research attempted to trace the impact of slavery and racial discrimination on Afro-American families and its involvement in crime and delinquency, thus refuting the prevailing stereotype of widespread family disorganization and sexual
immorality of the black family. He examined the delinquency rates of black youths in cities of the North and the South in America. His study indicated that the highest rates of delinquency were in those areas that were characterized by deterioration and social disorganization, leading to loss of social control. He used cases to illustrate the close relationship between the community situation and juvenile delinquency (ibid., pp. 87-108).

Sutherland propounded his now famous differential association theory, saying that crime was a learnt behaviour through the process of socialization in groups. According to him (1956), a person’s tendency to conform or deviate depends on the relative frequency of association with others who encourage conventional behaviour or norm violation. The learning includes techniques of crime commission as well as the drives, motives, rationalizations and attitudes. Delinquency occurs when there is an excess of definitions favorable to law violation over definitions unfavourable to law violation (Carrabine, et.al., 2004, p. 56).

Sub-culture theories explaining gang formations among juveniles were made popular primarily by Cohen (1955) and Cloward and Ohlin (1960). Cohen argued that the delinquent sub-culture is a product of conflict between middle class values, which are reinforced in schools, and working class values from which boys who ‘get into trouble’ come from. The delinquent acts were the result of reaction formation to middle class standards imposed on boys from working class backgrounds.

Cloward and Ohlin (1960) attempted to integrate Merton’s (1938) anomie theory and Sutherland’s (1956) differential association theory to explain the evolution of delinquent sub-cultures. According to them, the culturally accepted goal of achievement of economic success is internalized by most individuals in society, but the opportunities available to achieve this goal differ across neighbourhoods. This gives rise to specific subcultures depending on the opportunities available in specific neighbourhoods. The primary among them in this context were criminal, conflict/violent and retreatist/drug sub-cultures (Moyer, 2001, pp 67-74; Carrabine, et.al., 2004, p. 60).
Miller’s (1958) *focal concerns* theory, attempted to understand the ‘acting out’ behaviour of youth in criminal or conflict sub-cultures, whereby “members of adolescent street corner groups in lower class communities” move away from their female-headed households into the neighbourhoods, and seek to express their male identity around six focal concerns: trouble, toughness, smartness, excitement, fate and autonomy. Getting involved in peer relations and group fights over love affairs, turf wars and as expressions of growing up in a male world, in a search for masculine identity is seen as ‘normal’ behaviour in such areas.

While the Chicago School had a far-reaching impact of the development of sociology and much of modern criminology, the ecological approach to crime causation has outlived its purpose. Such ‘concentric zones’ do not necessarily exist any more in cities, which are developing newer patterns of growth and decay, especially in the context of globalization. There is also the problem known as the ‘ecological fallacy’ – it is not able to explain why some people in crime prone zones become criminal while others remain law abiding (Carrabine, *et. al.*, 2004, p. 57).

Shaw and McKay’s (1942) contribution to sociology and the Chicago School were in three main areas – analysis of distribution of delinquency areas in Chicago and other cities through the *ecological* approach, creation of the delinquency prevention programme (the Chicago Area Project) and a collection of life histories of delinquents. Their studies showed that the highest rates of delinquency are found in or around the districts of the city zoned for industry and commerce. These are areas of physical deterioration and decreasing residential populations. These areas are characterized by low rents in old dilapidated buildings, low family incomes and a high percentage of immigrant and black populations. However they attributed this co-relation to poverty and poor living conditions and not to any inherent traits of these communities (Moyer, 2001, pp. 109-114, Carrabine, *et.al.*, 2004, pp. 51-54).

**Control theories**

The prominent *Control* theorists comprise mainly of Sykes and Matza, Reckless and Hirschi (Masters and Robertson, 1990, pp. 152-158). The term ‘social control’ was first
used by Edward Ross in a series of articles written in the *American Journal of Sociology* between 1896 and 1898. The development of these theories can be dated back to the fifties and the sixties. The Control theorists were heavily influenced by Durkheim and the Chicago School, as also the disciplines of psychology and social psychology.

The cornerstone of the control theory is the assumption that self-control serves as a restraint from criminal actions, and this self-control derives from a positive self-concept. The self-concept in turn, develops as a result of interactions with parents and family members, and later with teachers and peers. It also emphasizes *free will* and defines criminal behaviour as a result of rational choice, while at the same time, seeing behaviour as imposed. The question they are primarily concerned with is ‘why doesn’t everyone commit crimes?’ rather than ‘why do people commit crimes?’ (Moyer, 2001, pp. 131-139).

Sykes and Matza (1957) argued that contrary to the sub-culture theory, delinquents do not reject the values of larger society; rather, they simply “get around” them through justifications, which they term as *techniques of neutralizations* (ibid, pp. 142-143). They suggested five major techniques that enable delinquents to break ‘the moral bind to law’ (Matza, 1964, p. 181) – denial of responsibility, denial of harm or injury to anyone, denial of the victim, condemnation of condemners and appeal to higher loyalties (Carrabine, et.al., 2004, p. 61, Moyer, 2001, pp. 144-145, Masters and Robertson, 1990, p. 154).

Matza built on the *techniques of neutralization* theory to propound his drift theory (1964). The techniques only helped a delinquent to free him/herself from social control. The conversion from a mere possibility to an actual delinquent act is based on the free will factor. In other words, he/she must choose to commit the act. Rather than a rejection of societal values (as posited by the sub-culture theorists), the delinquent ‘drifts’ in and out of crime based on free will and the ability to rationalize through techniques of neutralization. One of the major drawbacks of Matza’s theories is that it was non-positivist - not solidly based on empirical research. The concepts of free will and drift are
subtle, and difficult to operationalise and uncover for a researcher (Moyer, 2001, pp. 146-148).

Reckless (1973) propounded the containment theory that attempted to answer why some people succumbed to the pushes and pulls of towards crime and why others did not. According to this theory, there are two types of containments – inner and outer – protective barriers that help people in resisting crimogenic pressures. Inner containment consists of self-control, good self-concept, ego strength, well-developed superego, high frustration tolerance, resistance to diversions, high sense of responsibility, tension-reducing rationalizations, etc. Outer containment is the structural buffer in the immediate social and family surroundings consisting of a consistent moral ideology, norms, goals and expectations, effective social control, scope for alternatives, opportunity for acceptance, identity and a sense of belonging.

Along with these containments, there are push and pull factors that interact with their containments. The push factors are individual factors such as hostility, personality and aggressiveness. The pull factors include environmental factors such as poverty, poor family life and deprived education. The inner and outer containments interact with the push and pull factors to either prevent or lead to criminal behaviour, depending on the dynamics of these interactions (Masters and Robertson, 1990, pp. 155-156).

The ‘social attachments or bonds’ theory linked offending behaviour to the level of commitment and attachment to, and belief in society (Hirschi, 1969). Hirschi proposed that delinquency occurs when an individual’s attachment or bond to society gets weakened or broken. He further proposed that a person’s bond to mainstream society is based on four elements – attachment, commitment, involvement and belief. When belief in the values of society is present in conjunction with involvement, commitment and attachment, deviancy is rare (Masters and Robertson, 1990, pp. 156-158)

Gottfredson and Hirschi (1990) went on to propound their General Theory of Crime by starting with the question “what is crime?” rather than the usual approach of “why do people offend?” According to them crime is a behaviour that is not distinct from other behaviours; essentially rational, and based on the hedonistic (pleasure-pain) principle.
They defined crime as ‘acts of force or fraud undertaken in pursuit of self-interest’ As mentioned in an earlier section, they saw majority of crimes as being mundane and poorly thought out. They also propounded that most crimes resulted in little profit for the offender and little loss for the victim, and occurred near the offender’s home. They found most offenders to be young, male and non-white.

Their theory suggested that people with low self-control are likely to offend more than those with high or better self-control. There are a variety of manifestations of low self-control – offenders engage in different types of crimes and also in other deviant acts, which provide them with the same quick rewards, as do criminal acts. Self-control was attributed to child-rearing practices – monitoring behaviour, recognizing deviant behaviour and punishing such behaviour. Children from large families, single-parent families and working mothers are more likely to turn delinquent, according to them (Moyer, 2001, p. 154).

It must be realized that Gottfredson and Hirschi were attempting a grand theory based on positivism, a rather difficult task by any standards. Therefore, there are many lacunae and biases that have crept into their theory; they did not question why most of the offenders where non-white: could it be the result of bias that exists in the criminal justice system? Their conclusion about the likely family backgrounds of delinquents displays a gender bias and poses several issues and problems, which remain unanswered e.g. does it necessarily follow that smaller families will not lead to delinquency and criminal behaviour? Crime is essentially an urban phenomenon, which is typified by smaller family size.

The sixties were a period of crisis marked by social disillusionment and change in values in the Western world, particularly the United States. The Vietnam war, the Cuban missile crisis, the Watergate scandal, and the the civil rights movement gave rise to a period of questioning of the State. This led to new theoretical foundations, in particular the Interactionist School, which challenged earlier theories pinning responsibility of criminal behaviour on the individual and pointed to the role of the State and bias in law enforcement.
Interactionist school

According to the Interactionist School, individuals are constantly changing beings capable of altering behaviour in response to characteristics of their real or perceived social environment. Individuals may, over time, alter their behaviour in tune with real or perceived labels, positive or negative, tagged to them. Hence, individuals identify with the applied labels, alter their behaviours to the defined labels, and may embark on deviant or criminal careers (Moyer, 2001, p. 160). The labeling theories are also known as the relativistic theories of deviance.

According to Erikson (1962, p. 308), deviance is not a property inherent in certain forms of behaviour; it is a property conferred upon these forms by audiences, which directly or indirectly witness them. Sociologically, then, the critical variable in the study of deviance is the social audience. The social audience may consist of a small group or a social class; they could be ordinary citizens or formal agents of social control; they create deviance by defining or reacting to certain persons or forms of behaviour as deviant (cited in Orcutt, 1983, p. 223).

The labeling theories:

- As opposed to conventional theories on crime, which focused more on causation factors, these theories argued that crime was a socially constructed category; it was time and culture specific and therefore, there could not be any universal ‘criminal type’. They further emphasized that the societal reaction to crime and crime control mechanisms often shaped the nature and structure of crime in a society.

- They viewed crime as a form of conflict in society, rather than as pathologies, disorganization, strains, stresses and leakage within a consensual society based on common values. They stretched the concerns of criminology away from the offender to the role of social control, sometimes at the expense of examining the causes of crime. They placed a greater emphasis on culture and cultural forms and brought in the gender aspect in crime. It was a move to see traditional
Criminology as a part of the problem it was trying to solve (Carrabine et. al., 2004, p. 70).

The formal origin of the Interactionist School in criminology or labeling theories could be traced to Frank Tannenbaum. According to him, most criminals come from the same social backgrounds and possess the same characteristics as common citizens. What distinguishes them is their coming into contact with the criminal justice system. The offender label stamped on the criminal leads to a change in his identity, from a citizen to a criminal. The individual becomes a deviant through a tagging process following his or her involvement in an ‘innocent misadjustment’ that has been dramatized by society.

Due to this labeling, he/she becomes the very thing that society finds repugnant. The person becomes a criminal by dramatisation of evil through

‘a process of tagging, defining, identifying, segregating, describing, emphasizing, making conscious and self-conscious; it becomes a way of stimulating, suggesting, emphasizing, and evoking the very traits that are complained of’ (Tannenbaum, 1938, pp. 19-20; cited in Moyer, 2001, pp. 164-5).

However, it was Lemert (1951) who attempted to develop a systematic, comprehensive theory of deviance and audience reaction processes. But his theories took more than a decade to gain credence in the field of criminology, as the fifties were dominated by the sub-culture theories in crime causation (Orcutt, 1983, p. 227).

Lemert came up with the path-breaking concepts of primary and secondary deviance. Norm violations that invite little reaction from society, are more like passing episode, and have little effect on a person’s self-concept – this he termed as primary deviance. But labeling of the same act by society and criminal justice agencies as deviant or criminal behaviour, leads to secondary deviance, by which an individual engages in repeated norm violation and begins to take on a deviant identity, an application of the Thomas theorem, which states that ‘situations defined as real become real in their consequences’.

Primary deviance arises from many sources but

has only marginal implications for the status and psychic structure of the person concerned’, whereas secondary deviance is the process by which social stigma and official punishment makes
Becker’s *Outsiders* (1963) is perhaps the most comprehensive treatment of the problems of audience reactions and secondary deviance. Becker was very critical of traditional sociology that viewed deviance as a conceptual category that resulted from a consensus in society as to what was functional for the group as a whole. Such actions only helped in labeling individuals as ‘outsiders’. Becker suggested that creation of rules and their enforcement is not necessarily a universally agreed-on phenomenon; ‘instead, they are the object of conflict and disagreement, part of the political process of society’ (Becker, 1963, p. 18).

Becker argued that deviance is created by audience reactions. He referred to three analytically distinct aspects of group reactions: the making of rules, the application of rules and the labeling of particular individuals as deviants or outsiders. He emphasized that society consists of many groups with its own set of rules. He raised the question not of whether people break rules, but how some groups are able to impose their rules on others, whom he called *moral entrepreneurs* – the social audiences engaged in the business of creating and enforcing moral rules.

The question of who is deviant depends on the outcome of the labeling processes, rather on infractions of rules. The labeling process depends as much or more on who is labeled and who is doing the labeling than on nature of rules or behaviours involved. Whether an act or an actor will be labeled as deviant will not be known until the audience response has occurred (Orcutt, 1983, pp. 232-3).

Becker (1963) proposed a typology of application of labels known as the sequential model of deviant behaviour. As per this typology, a *conformist* is one who obeys the rules of society and who is perceived as obeying the rules. A *pure deviant*, on the other hand, is one who disobeys the rules and is perceived as doing so. A *falsely accused individual* is one who is seen by others as having committed an improper action, although in fact he has not done so. A *secret deviant* is one who has committed an improper behaviour, yet
‘no one notices it or reacts to it as a violation’ Once labeled, the label becomes the individual’s master status and the individual is subjected to the positive or negative effects of the label itself (Moyer, 2001, p. 174).

Two other important relativists in this tradition are Kitsuse (1962) and Erikson (1962; 1966). For Kitsuse, deviance is the interactional process through which audiences define and react to others as deviant. They interpret behaviour as deviant, define persons who so behave as a certain kind of deviant and then proceed to treat them in ways considered appropriate by them. They assign deviant meanings to behaviour through a complex, subjective process that draws upon indirect evidence, such as rumours, as well as direct observations of how people act in situational settings. They then subjectively define the actor into a deviant category; they then engage in ‘retrospective interpretation’ of the actor’s past behaviour as evidence that he or she has always been a deviant. Kitsuse used the example of homosexuality, which was termed as criminal in some societies at a point in time, to prove his point (Orcutt, 1983, p. 233).

Erikson (1962) challenged the conventional view of crime as an undesirable or destructive element in social life, and argued that deviance helps strengthen the moral boundaries of organised society, by singling out individuals as deviants through formal ceremonies such as criminal trials, and provides the non-deviant members with a clear line between moral and immoral behaviour. The outsiders become living examples of ‘what not to do and what not to be. Deviance thus helps in preserving stability rather than disrupting stability in society’ (p. 310; cited in Orcutt, 1983, p. 234).

Further, Erikson introduced the notion of community screening device, on the basis of which particular individuals get selected for public censure – social control is selectively applied to certain persons for reasons other than their objective behaviour. The screening process is guided as much by whether the individuals will serve as a ‘good’ example of a typical deviant as it is by the nature of the act (ibid, pp. 234-5).

Becker, Kitsuse and Erikson’s analyses of deviance based on audience reaction processes are an important contribution to the labeling tradition. Their proposition that labeling creates the very phenomena that they are intended to eliminate has become the most
celebrated and controversial aspects of the tradition (ibid., p. 235). However, their theories are plagued by the same criticism as the earlier works of Lemert – the question of how primary deviance occurs.

Goffman (1961, 1963) was another Symbolic Interactionist who influenced the growth of criminology in the sixties and seventies. According to Goffman, there could never be a general theory of deviance. The study of deviance was only an extension of the broad concerns of sociology. His discussion of the *total institution* postulated that such places housed a large number of ‘like situated individuals, cut off from wider society for an appreciable period of time, together lead an enclosed, formally administered round of life’ (1961: xii). Prisons, de-addiction centers and custodial institutions in the criminal justice system comprised of such total institutions (cited in Moyer, 2001, p. 180).

Every person living in total institutions has a *moral career*, which includes a *pre-patient*, an *in-patient* and the *ex-patient* phase. Through these three phases in his life, the individual goes through a process of questioning of his earlier identity, a re-defining of his identity and an irrevocable change in his identity. He developed the concept of the ‘civil death’ of the individual, whereby the inmate not only faces a temporary loss of rights but may have some of these rights permanently abrogated (Goffman, 1961, pp. 15-16; cited in Moyer, 2001, p. 180).

In his second major work, *Stigma* (1963), Goffman defined stigma as attributes that are deeply discrediting’ to an individual, and consisting of three types – *abominations of the body* (physical deformities), *blemishes of individual character* (societal labeling through records of unemployment, imprisonment, mental illness, homosexuality, etc. and as being weak-willed, treacherous, dishonest, etc.) and *tribal stigma* of race, nation and religion (contamination of all members of the particular family through lineages). Individuals do not automatically become stigmatized; there must be a *language of relationships* that identifies the individual as not being *normal*. Again, through a process of interaction between the individual and the social audience, a person is first *stigmatised* and then he or she becomes what the stigma implies. Once stigma is acquired, it is very difficult to overcome it (cited in Moyer, 2001, pp. 180-1).
One criticism of Goffman’s total institution concept was that it was too general, and he did not try to differentiate between types of institutions based on size, or type of commitment. Also, his linear description of all institutions as necessarily having negative consequences on the individual’s social life is too simplistic to accept without reservations (ibid., p. 182).

Schur’s (1965) major work in the interactionist tradition, *Crimes Without Victims*, focused on creation and enforcement of crimes such as abortion, homosexuality and drug abuse, which were victimless acts (according to him). Such crimes were difficult to enforce and could lead to police corruption. Further, they lead to an increased disrespect for the law by those committing the prohibited acts and had a potential for secondary offending.

An important contribution of Schur was his association of gender with deviance, whereby he pointed out how women were labeled and stigmatized with value judgments such as ‘aggressive’, ‘bitchy’ or ‘hysterical’, damaging their reputation, inducing shame and lowering their *life chances*. Through his work, Schur aided the development of feminist criminology. The major criticism against Schur’s work is his concept of crime without victims – whether such a construct exists (ibid., pp. 185-7)?

The Interactionist School had made a substantial contribution to the study of deviance and crime, and youth crime in particular, since most of the thinkers studied behaviour associated with youth. They developed the premise that crime was socially constructed, suggested that criminal justice policy may have unanticipated negative consequences and became the precursor to later developments in criminology such as conflict theories and feminist criminology. These were primarily middle range theories, which may not have always based on empiricism, and therefore not meeting the definition of scientific theory, but they have played a significant role in understanding crimogenic behaviour.

**Conflict theories and the radical school**

The seventies and the eighties were largely dominated by *Conflict* theories, a school of thought which was a logical extension of theories that emerged from the Interactionist
School. The two schools shared the emphasis on arbitrary definitions of deviance and societal reaction to crime. But Conflict theories added the power dimension to this process, based on race and class. They focused on the economic and political nature of crime and traced crime to the ills of the capitalistic society. There is a thin line of difference between Conflict theories and their later manifestations, known as Radical and Marxist criminology. The crucial difference between them is the extent to which they emphasize on the political and economic structures of society to explain crime.

One of the most important works in radical criminology was Quinney’s (1970) *The Social Reality of Crime*. According to Quinney’s propositions, criminal behaviour is formulated and applied by powerful interests against those with whom these interest groups are in conflict with. The powerful interests intervene at all stages in which criminal definitions are created and applied. Behaviour patterns of the powerful segments are less likely to be defined and applied as criminal than the powerless segments. The ruling class creates an ideology of crime; these images are portrayed through mass media and sold to the masses as the universal reality of crime. The *social reality of crime* is constructed by the ruling class, which benefits them through the legal system they create. Crime control is, in reality, class control (Moyer, 2001, pp. 208-10).

Many studies followed Quinney’s work. Prominent among them in the tradition of the conflict and radical school was Chambliss’ (1969) *Crime and the Legal Process*. In this path-breaking study, Chambliss studied the behaviour of two gangs of boys at Hanibal High School, one from white, upper middle class families whom he termed the *saints*, and the other from working class background whom he termed as the *roughnecks*. His observations showed the bias and selective processing and punishing by the criminal justice system of the roughnecks and a lenient response towards the saints by the police (ibid, pp. 215-222).

Another important work in this tradition, which has a bearing on this research, is Reiman’s (1979) *The Rich Get Richer and the Poor Get Prison*. Throughout his writings, he emphasized that the ideology of the criminal justice system places emphasis on the individual and the poor to divert attention away from the evils of social order. Reiman
(1979) highlighted that the poor get arrested out of proportion to their numbers for the crimes the poor generally commit such as burglary, robbery, assault, etc. When it comes to crimes that the poor do not have an opportunity to commit such as financial frauds, environmental crimes, serious tax evasion, etc., the State and the criminal justice system takes a comparatively benign view (Carrabine, et. al., 2004, p. 77).

Reiman (1993, 1995) stated that to look only at the individual responsibility is to look away from social responsibility to the individual, and contended that ‘justice is a two-way street – but criminal justice is a one-way street’. He further contended that in a competitive and industrialized society, the assumption that economic success is potentially within reach of all is a fallacy that leads to crime, as a result of frustration and suffering that the have nots have to pay for in order that the have reaps the benefits of an unjust system.

The bias in the criminal justice system against the poor and against individuals is portrayed through concepts such as his pyrrhic defeat theory and carnival mirror of crime. The former views the system’s practices as attempts to maintain rather than reduce crime, and make it appear as if crime is the work of the poor. The latter suggests that crime is created by decisions made throughout the criminal justice system, starting from criminal law and ending with corrections. It produces a distorted image of what constitutes crime and who commits them. The faces that appear in this mirror are poor, young, urban, disproportionately black males who appear in arrest statistics, courts and corrections data. Mass crimes committed by the rich and the powerful, do not get recognized or processed as such, due to the economic bias in the creation of crime, and the application of the law by the criminal justice system (Moyer, 2001, pp. 232-36).

**Critical criminology**

A key work in this continuing left history of conflict theories is Taylor, Walton and Young’s (1973) *The New Criminology*. They argued that existing crime theories had ignored the wider and structural issues in explaining crime and the material conflicts at the root of the criminal process. They further claimed that earlier theories were deterministic in their assumptions and gave little role to the creative human actor willing
to commit crimes and had inadequate epistemologies. They even criticized the radical theories as nothing more than a ‘form of moral gesture’.

A new position began to appear from their work, which was based on the ‘materiality’ of crime. These were variously known as critical, working-class or neo-Marxist criminology. They took a position that crimes committed by the poor and the working class were not truly serious problems of crime. Rather, the focus, according to them, should be on crimes committed by the powerful (Pearce, 1976; cited in Carrabine et.al., 2004, p. 79).

*Left realists* on the other hand, have tried to combine the concerns of traditional criminologists with the concerns raised by Marxist and neo-Marxist school, by viewing *inner city crime* as a growing and serious problem. This analysis highlights the square of crime – the State, society, the offender and the victim. All four factors need to be looked at for all types of crime. Their analysis showed that much crime is committed by the working class on the working class, and that the causes of crime lie in the structural inequalities. Crime is produced by *relative deprivation* – a perceived disadvantage arising from a specific comparison – and *marginalisation* – where people living on the edge of society and outside of the mainstream with little stake in society overall (Carrabine, et. al., 2004, p. 79).

The *new left realists* attempted to view crime in their contexts and stated that the nature of crime, its causes and crime control measures changes across the world as society changes. For example, the *market society* has tended to promote more *ugly crimes* and harsher penal measures. While this school has gained in importance in the criminological discourse, the empirical relevance of deviance theories has received relatively less attention, and this is the most serious allegation that *critical* criminologists have had to face from the traditionalists (Orcutt, 1983, p. 334).

A major influence on current thinking and a key inspiration behind contemporary debates in criminology is Foucault (1977). Strongly opposed to the institution of prison and to the profession of the criminologist, he saw the former as a mechanism to increase crime and the latter as a means to increase surveillance and power relations. He saw criminology as
a discourse that produces its own set of ideas and languages about the criminal as an object to be studied, backed up by many institutions such as the prison and the courts. Entire society’s views on crime are shaped by this discourse, which is essentially a via media for maintaining power relations. Through this discourse, knowledge acts as a means to keep people under control (Carrabine, et al., 2004, pp. 89-90). His ideas were a precursor of influences in criminology from late modernity, post-modernism, globalization and risk society.

**Late modernity and postmodernism**

*Late modernity* represents that changes in sociological and political thinking (which no doubt influenced criminology as well), which was interlinked to social, economic and cultural changes taking place in society in the last two decades or so. These changes are characterized by the emergence of mass consumerism, globalization, restructuring of the labour market and the insecurity of employment. This has consequently had an impact on family and household structures, movement of women into the paid labour force, decreasing family size, higher divorce rates, growth of individualism and newer patterns of intimacy in relationships (such as gay and lesbian partnerships).

These changes have been accompanied by changes in social ecology and demography through the fast growth in technology, development of mass rapid transportation, growth of suburbs and information technology. The reach of the electronic mass media has led to a generalization of expectations and fears and reduced importance of localized corporatist culture. There has been a radical shift in power in terms of gender and class relations, a questioning of authority and rise of moral individualism (Carrabine et al., 2004, pp. 93-5).

*Late modernity* has brought in its wake new disorders and dislocations, and new levels of crime and insecurity (Bauman, 1998). The desire for commodities as a result of mass consumerism leads to an escalation of loan and credit card culture and consequent increase of financial frauds. Unprecedented growth of the informal sector along with insecurity of employment leads to finding alternative and new ways of survival in the
informal economy. Traditional forms of social control have weakened due to newer and individualistic family structures.

This is leading to teenagers leading unsupervised lives and subsequent increase of criminal and drug-using propensities among them. With the increase of women in the public sphere and greater equality among sexes, crime against women and by women is taking newer forms and levels. Changes in the social ecology are leading to ‘green crimes’. Shifts in demography and growth of suburbs and mass transportation are leading to ‘night-time economy’, ‘night life’ and crimes associated with these. Newer forms of information technology are leading to newer types of crimes such as cyber crime (Garland and Sparks, 2000, p. 199).

Young’s (1999a) *Exclusive Society* explores three types of divisions in society: economic – where people get excluded from the labour market, social – where sections get excluded from civil society and expansion of the criminal justice system – which excludes more and more people from their daily lives. From the 1960s, society is changing from one whose accent was on assimilation and incorporation to one that separates and excludes (1999a, p. 7). Pluralism, large-scale immigration of people and glimpses of other societies makes everyone a potential deviant. In this scenario, ‘crime becomes a defining feature of modern societies’.

*Postmodernism* has taken its toll on criminology as well. It argues that the whole criminology project has been misconceived – it asks the same questions, comes up with the same answers and the problem of crime remains. *Postmodernists* would like to disband the discipline of criminology as it exists now and emphasize that there is no one story of crime to be told. It seems according to them that the time for ‘grand truths’ is over. There is a turn towards local cultures and multiplicity of stories.

Henry and Milovaovic (1996) make a case for abandoning of the futile search for causes of crime. They argue that crime is the result of socially constructed and discursively constituted exercise of unequal power relations in society. It is the ‘power to deny others their ability to make a difference’ and a form of domination by individuals, collectives or
governments. Crime is also co-produced by criminal justice agencies, lawyers, criminologists, crime news, crime books, etc. (Carrabine, et. al., 2004, pp. 97-9).

The impact of globalisation has led to the globalisation of crime. Manuel Castells (1998) speaks of the ‘global criminal economy’ and has identified six main forms of this phenomenon – arms and weapons trafficking, smuggling of illegal immigrants, trafficking in women and children, trafficking in body parts and money laundering. What make these crimes dangerous and alarming are their scale, reach and ability to subvert the legal economy, polity and society.

The sustained critique of criminology, which is increasingly being viewed today as a subject that creates justifications for the continued dominance of State power and elite rule over the marginalized sections, has led to political thinkers and human rights activists taking over the subject from sociologists and criminologists.

Ironically, while postmodernism has touted that there can be no one story of crime and the time for grand theories is over, it has led to a shift towards a grand theory which focuses on critiquing the role of the State and the hegemony of dominant classes over those who cannot assert their basic rights.

**Risk society**

Another emerging theme in understanding crime is the concept of *risk society*, which propounds that we live in a society, which has risks attached to every activity we are involved in. New technology has brought along with it new dangers to our lives and to the planet itself, in the form of global warming, environmental degradation, nuclear threat, the AIDS epidemic, human cloning, etc.

For Beck (1992), this risk society has replaced the *class society* of the industrial era. According to Giddens (1999), this leads to a *calculative attitude* in individuals and institutions to deal with issues of risk, trust and security in these troubling times. The risk exists on a global scale and yet is also personalized as it is linked to people’s subjective concerns about their identity. In such a scenario, the focus is no more on justice and
equality but on managing risks and developing security systems to counter the risks (Carrabine et.al, 2004, pp. 103-5).

This thinking has had an impact on criminology too. Garland (1996) says that the ‘culture of high crime societies’ has led to the development of two contradictory criminologies – criminology of the self and criminology of the other. The former views the offender as a rational consumer of a society where crime is a normal, common aspect of modern life. It views crime as an outcome of normal social interaction and a risk to be calculated, both by the offender and the victim, rather than as norm violating caused by individual pathology or faulty socialization.

The latter sees crime as behaviour of the alien other and represents criminals as dangerous members of distinct racial or social groups, bearing little resemblance to us. These two parallel and rather contradictory views on crime have led to two parallel crime control measures in society – one which is largely a technical and actuarial response focusing on surveillance and the other a punitive and harsher regime of crime control (ibid, pp. 105-7).
What seems to emerge from the above discussion in Section I is that there is a vast range of theoretical perspectives based on the various ontologies and epistemological paradigms to explain what constitutes crime and why people commit crimes. From the lombrosian to the postmodern theories, researchers have attempted to address the issue of causation but have done this by situating the question within a particular context or keeping in mind a specific behavior that they were studying.

It therefore follows, in the opinion of the researcher, that it would be incorrect to impose a paradigm which was developed within a specific context on another context, or worse still, on all contexts. The literature on theory suggests that the world of crime is too complex to be captured by monolithic explanations. It would therefore be appropriate to identify theories which seem to apply more to the criminal behavior being studied through this research i.e. involvement of youth in property crimes of serious nature and more specifically organised crime and extortion.

Cloward and Ohlin’s (1960) sub-culture theory, which attempts to integrate Merton’s (1938) anomie theory and Sutherland’s (1956) differential association theory to explain the evolution of delinquent sub-cultures applies well to youth involved in extortion crimes. The purpose of extortion is financial gain, which is in line with the culturally accepted goal of achievement of economic success, is a capitalist society. The opportunities available to achieve this goal differ across neighbourhoods and class. Their theory of sub-cultures (criminal, conflict/violent and retreatist/drug) based on the opportunities available in specific neighbourhoods, applies well to the urban Indian milieu.

Shaw and Mackay’s (1931, 1972) social disorganization theory is relevant in the context of inner city crime in a mega polis like Mumbai. They spoke of areas of physical deterioration characterized by low rents in old dilapidated buildings, low family incomes and a high percentage of immigrant and black populations. They attributed this correlation to poverty and poor living conditions and not to any inherent traits of these communities. The populations living in central Mumbai, the mill areas, working class
areas in the central suburbs and slum settlement in parts of the western and eastern suburbs corroborate the picture depicted in their theory.

Reckless’s (1973) containment theory, which spoke of inner and outer containments in an individual along with the push and pull factors which combine to decide the propensity towards criminal behaviour, is relevant in understanding criminal behaviour such as extortion from the individual viewpoint.

Hirschi’s (1969) social attachment theory which links offending behaviour on the level of attachment and commitment of belief in society applies well to understand violent and economic crimes such as extortion from the micro perspective. Miller’s (1958) focal concerns theory also fits youth involvement in gang related crimes such as extortion. His theory explains crime in terms of expressions of masculinity, whereby male youth move away from their female-headed households into the neighbourhoods, and express their male identity around six focal concerns of trouble, toughness, smartness, excitement, fate and autonomy.

The social consequences of arrest by the police and criminal justice processing on the offender youth is explained well by Tannenbaum’s (1938) and Lemert’s (1951) labelling theories. The labelling theory is as relevant today as it was when it was first propounded. Goffman’s (1961) theory of prisonisation has made a significant contribution to the understanding of criminalization processes that persons go through when they come in contact with the CJS.
SECTION II: URBANISATION AND CRIME, CRIMINAL JUSTICE PROCESSING AND ITS IMPACT

Urbanisation, Mumbai city and crime

The process of urbanization brings with it anonymity and atomization of the individual. Communal goals and living, predominant in rural areas, get replaced by individuation of aspirations. The capitalist mode of production fuels the growth of towns and urban centres led by out-migration of people from rural areas in search of better opportunities. Capitalism celebrates the individual spirit and legitimizes individual aspirations as a precondition for development of the entrepreneurial talent. This same individual spirit and aspiration can also lead to deviance and crime.

Urbanisation has led to increase of deviant behaviour across all societies. The chasm between the rich and the poor, the harshness of urban poverty, lack of social bonds and clash of norms and values, creates ideal conditions for crimogenic behaviour. “Cities are labelled as 'nations of strangers' where millions of people live 'feebly rooted lives', as a result, there is deep upheaval in life patterns of people which explicitly or implicitly assists in the accomplishment of various forms of crimes” (Packard, 1972; quoted in Shaban, n.d., p. 1). Another factor, as Shaban (1999) points out, is that as wealth and conspicuous consumption become status symbols, it leads to higher criminality across class.

Urbanisation and industrialization leads to alienation, ‘mass society’ of migrated people living in high population density areas, poor physical living conditions, rising unemployment and consequently, increasing criminality. In the words of Gurn (1981), ‘increasing criminality in modern societies is nothing but a pathological manifestation of the development forces of social change. These socio-economic pathologies manifest themselves in geographic space, an aspect which has been well researched by the Chicago School’ (Shaban, n.d., p. 1).

Analysing the growing criminalization of Russian society, Frisby (1998) points to the growing polarization between ‘poor crime’ and ‘rich crime’. On one hand, there is a
growth in impulsive crime, often under the influence of alcohol and drugs, committed by destitute and impoverished ‘outsiders’, cased by anger and disillusionment.

Youth crime is often instigated by the desire to obtain expensive Western goods and money for ‘a good life”. On the other hand, growing poverty due to non-payment of wages and unemployment leads to creation of a ‘reserve army of criminals’. “A large number of those out of work prefer to find employment in the private sector, whether legal, semi-legal or even criminal, so long as it pays well (p. 32).

Das (1994) in an article on reconstruction of the underworld in Calcutta through analysis of police records at the turn of the twentieth century, points out that,

the colonial transformation of India and the subsequent spate of modernisation in independent India resulted in an erosion of customary space in indigenous society upon which the 'deviants' traditionally relied upon for survival. This left the 'social outcasts' in cities like Calcutta with the option of taking to crime as a viable means of livelihood. …factors as economic distress, neighbourhood, broken home or marriage, and geographical mobility, led people astray (p. 2878).

Das quotes Jones (1984, p. 2878) who wrote about the emergence of an ‘outcaste London’ in the Victorian era in London, due to “the substitution for primary contacts of secondary ones, the weakening of bonds of kinship, the decline of the social significance of the family, the undermining of the traditional basis of social solidarity and the erosion of traditional methods of social control”.

Calcutta imbibed much of the features of Victorian London, being a city of the British Empire, and therefore, leading to creation of an underworld. While on one hand, it was the hub of urban economic revival; on the other, it produced class and racial divide, rich and poor areas, large-scale migration from upcountry areas that constituted the bulk of the working class population, and most importantly from the point of view of growth of crime, a palpable social tension between classes that gave rise to violence and crime. In the words of Das, ‘in many areas “crime” can be a daily reality where the deviants are locked along with their victims in a spatial setting characterised by social tension, low self-esteem, fear, and opportunity for misbehaviour’ (p. 2878).

In the modern Indian context, no city mirrors the above-mentioned processes better than the city of Mumbai. The city’s economy celebrates capitalism and represents all the gains
and pitfalls of the system. It gives an image of a city with a ‘modern’ outlook, a spirit of surviving against odds, many a rags to riches story to boast of and spurs people to pursue their dreams. On the other hand, around sixty percent of its population lives in slums, its physical infrastructure lags behind the demand, and decent health, education and sanitation facilities remain out of reach for large sections of the population. As Mehta (2006) says the people in the city have enough to eat. ‘The real luxuries are running water, clean bathrooms, and transport and housing fit for human being. …The greatest luxury of all is solitude’ (p. 135).

Mumbai today is the third largest city in Asia and the largest metropolis in the country. The Mumbai Metropolitan Region which includes four metropolitan cities, sixteen municipal towns, seven other urban centres and some approximately 1000 villages, has a population of 16.37 millions (India, 2001). In economic terms, Mumbai is still the main contributor to national economy. It pays one-third of the country’s income tax, 60 per cent of the customs duties and 20 per cent of the Central Excise duties. It generates 10 per cent of the country’s industrial jobs. Mumbai ports handle almost a half of the country’s maritime trade. The Airports handle 58 per cent and 41 per cent of India’s international and national air passenger traffic respectively. The off-shore oil and gas fields of Bombay-High produce almost 61 per cent and 48 per cent respectively of the country’s total petroleum products, most of which is handled and served from Mumbai. The city’s oil refining output is 23 per cent of India’s total output (Patankar in David, 1996; cited in Shaban, n.d., pp.4-5).

Mumbai is also India’s most unequal and least homogenous city. Ashar (2009) asserts that ‘Mumbai’s social fabric is paying the price for its ambition of becoming a world class city’. Ashar (2009) quotes from the recent Human Development Report (HDR) about Mumbai, prepared by UNDP and the All India Institute of Local Self-Government. The report highlights that the unequal distribution of wealth in the city is causing polarization by saying, ‘this inequity is the unbecoming spectacle of Mumbai. …Two distinct cities live within one’. For example, while the sex ratio in non-slum parts is 859, in the slum parts it is 750. Similar trends are observed as far as fertility and immunization of children are concerned. One in six slum households have access to piped water supply, while it is around 50 per cent for non-slum households. An average of eighty one persons share a toilet seat in slum areas; in some parts, as many as 277 people share a toilet seat.
One in four women is a victim of spousal violence in slums while it is around 15 per cent in non-slum areas (p. 2).

Tembhekar (2009) quotes the same HDR of Mumbai and highlights some startling facts about rich-poor divide of this city. Though the per capita income in Mumbai is one and half times that of Maharashtra and twice the national average, more than one out every two citizens live in slums. The report says that the percentage of citizens living in slums is 11.72 per cent for Kolkata, 18.9 per cent for Delhi, 25.6 per cent for Chennai and 54.1 per cent for Mumbai. These 54 per cent living in slums occupy only 6 per cent of the land in the city, indicating the ‘horrific’ levels of congestion (p. 5).

The Mumbai of the nineties and the two thousands bears a striking similarity with a description of the Chicago in the early twentieth century by Nelli (1969) who described the city as ‘vigorous, brash, lusty, optimistic, energetic. It also contained labour violence, corruption in civic and business affairs, apathy towards poverty, inadequate housing, unsanitary living conditions, organized crime’. According to English journalist William Stead, cited by Nelli, “Chicagoans recognized one common bond: money.” (p. 379). It comes as no surprise that the face of crime, particularly organized crime, in the two cities mirrored each other, since the social and political conditions of the two cities created conditions favourable for the rise and spread of crime.

With the changing profile of Mumbai’s economy from that of a manufacturing hub to the financial services capital of the country, the profile of the working classes too has been changing. The mill worker has been replaced by the counter salesperson in malls, the waiters in restaurants and the housekeeping staff in BPOs, malls, multiplex theatres and apartment complexes.

The number of people who want to make ‘quick money’ whether it through investing in a burgeoning stock market or by investing money in financial institutions or instruments, keeps increasing irrespective of scams which recur at regular intervals of time, pauperizing thousands each time they get ‘busted’. The money culture fuels the growth of an illegal economy and the flourishing of an underworld, with links in the construction and the film industry, and the stock market. Betting, gambling, flesh trade, illicit drugs
and extortion rackets are run with the clandestine support of the criminal-police-politician nexus (Shaban, n.d.).

The lack of employment opportunities and the general economic slowdown the world is going through could be an important factor for increasing crime rates. Yeshwantrao (2009) quotes police officials that a rise in incidents of house breaking, burglaries and street crimes such as chain snatching, etc. could be related to job and salary cuts in the industry. Joblessness and mounting debt could pressure on the out-of-work person to desperation and lead him to crime. The report quotes Naval Bajaj, a police officer saying, cases of extortion are likely to rise, with the possibility of creditors hiring organised crime gangs to recover money lent to businessmen and builders who may default in payments due to current economic crisis. Mumbai went through a similar situation in the 1980s when the industrial shutdown created armies of jobless youth who swelled the ranks of criminal gangs in south-central and north-east Mumbai (p. 5).

As Naipaul (1991) says, crime in the city paid well. Gangs fought over territories like politicians. People had only enemies or allies, and the relationships of both gangsters and politicians were constantly shifting. The killings were about power and leadership. The activities included protection of illegal stalls and hawkers in exchange for money, kidnappings, ousting tenants from their residences at the instance of the landlords, releasing land or a building for redevelopment, or stealing and melting gold biscuits to be sold in the open market (pp. 81-83).

As is clear, there are enough avenues to make money through illegal means in this ‘city of opportunities’ and any number of organised illegal rackets which one could join if one wanted to. These rackets functioned with the help of the politician-police-bureaucracy-criminal nexus.

However, crime rates in Indian cities including Mumbai are comparatively lower to that prevalent in European and American cities. However, forces of globalization, deregulation, neocapitalism and recommodification are converting cities like Mumbai into post modern cities “reconfiguring spaces and institutions; and reinforcing marginalization and vulnerabilities” (Mitchell, 2001; cited in Shaban, n.d., p. 44). Post modern urbanism promotes a global criminal economy, as predicted by Manuel Castells.
(1998), with a focus on creation of city space through burgeoning levels of physical violence. This is borne out by the fact that the crime rates in mega cities like Mumbai is higher than the national and Maharashtra figures (ibid, p. 44).

In terms of spatial distribution of crime in Mumbai, there are distinct high crime and low crime areas in the city. According to Khan (2007), the maximum number of FIRs was registered in the western region of Mumbai in areas such as MIDC, Oshiwara, Bandra and Vakola (p. 8). A report Viju B (2007) reiterates these findings and also highlights that south Mumbai is the most peaceful locality in terms of crime rates (p. 1). A related report shows that the central zone is the heartland of crime in Mumbai, leading in violent crimes like murders and robberies (ibid., p. 4). Sen (2009) reported that crime figures were highest in the western region and lowest in South Mumbai for 2008 as well, thus showing a consistent pattern (p. 4).

As per the crime figures provided to the researcher by the Statistics Division of Crime Branch, Mumbai Police, the top four police stations in the city for the year 2006, in terms of crimes against property are Goregaon, Malad, Vakola and Oshiwara; while the bottom four are Yellowgate, Airport, Kanjur Marg and Malabar Hill Police Stations (Annexure XII). These trends more or less confirm the crime patterns highlighted in the Mumbai Mirror and Times of India reports mentioned above.

Shaban’s (n.d.) study brings out the spatial distribution of crime in Mumbai city well. While analysing the reasons with macro factors such as population density, percentage of total workers to population, literacy rate, percentage of persons living singly compared to those living with their families, sex ratio, etc. living in an area, the study does not point out to any clear co-relations. However, some broad trends that emerge are prevalence of a higher crime rate in the business district areas (where land prices are very high and have a high percentage of people who come there to work during the day and leave by the night); and areas with bigger household size and lower sex ratio have higher crime rates.
The above analysis brings out the dynamic relationship between the type of economic activities and level physical infrastructure in the city and the magnitude and type of crime prevalent in the city.

**The criminal justice system, processing and its impact on youth**

The Criminal Justice System (CJS) in India is characterized by innumerable arrests, overcrowded jails and courts with lacs of pending cases. According to the Prison Statistics 2006 (India 2006), there are around 3.73 lac prisoners in the country with around 65 per cent being under trials. As per these figures, the overcrowding of prisons is to the tune of about 30 per cent.

Prison populations have remained at the margins of welfare and development, and have seldom been viewed as in need of or deserving of social services. With the development of criminology as a subject of enquiry, a gradual shift has taken place, whereby the individual alone is no more held responsible for his/her norm or law breaking behaviour. The shift has included policy changes which have moved away from capital punishment, torture and debilitating forms of punishment; and have increasingly favoured imprisonment as and not for punishment, more humane custodial conditions, protection of legal and human rights, and finally a focus on retraining, rehabilitation and social inclusion. The system of prison welfare in the country was set in the context of reformation and rehabilitation of the convicted prisoner. Prisons were originally meant to house those who had been convicted by the law for the offences they were charged with.

A minor focus of prisons was the housing of the untried or the under trial prisoners – those awaiting trial and kept in judicial custody, till the completion of their cases in courts. However, one fact that the authorities and civil society did not take note of was the rising numbers of under trials in prisons. Owing to the rising number of arrests, it is observed that the number of prisoners has expanded since the last century. This has led to overcrowding of our prisons. Prison Statistics 2006 shows that there are a total of 1336 prisons in the country, housing a total population of 373271 prisoners as against a stipulated capacity of 263911 prisoners. Out of this number, as of 2006, 31.3 per cent were convicts, 65.7 per cent were under trials and the balance 3 per cent being detenues
and others. As far as the male-female ratio is concerned, 96.1 per cent were males and 3.9 per cent were females (India, 2006).

The delays in trials in courts have also taken menacing dimensions, leading to the overcrowding of prisons. The Law Commission in its 120th Report recommended that the strength of judges per million population may be increased from ten and a half to fifty judges. The present judge strength in India is fourteen per million population (TwoCircles.net, 2008). Hansaria (2005) says that India has one of the poorest judge-population ratios when compared to countries such as Australia (47 per million), UK (50 per million), Canada (75 per million) and USA (107 per million). This is despite the fact that the pendency of cases in the country is about 26.3 million in the subordinate courts and over 3 million in the High Courts in India (rtiIndia.org, 2007).

The prison system came to be crushed under the weight of petty offenders, ticketless travelers, those arrested for ‘loitering’ in suspicious circumstances, or drunken behaviour, hawkers, those arrested under the forest act, theft of railway property, and a host of other property crimes which could be linked to the overall lack of employment options and social security benefits that any ‘caring’ State should have. These cases in turn clogged the courts of the country, crippling the criminal justice system in the process.

As per the Prison Statistics India 2006, out of a total of 245244 under trial prisoners in the country, the pendency of cases in the courts is as follows:

<table>
<thead>
<tr>
<th>Duration</th>
<th>Number of Cases</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pending for 6 months</td>
<td>156937 cases</td>
<td>63.9%</td>
</tr>
<tr>
<td>Pending for 6 months to 1 year</td>
<td>42671 cases</td>
<td>17.3%</td>
</tr>
<tr>
<td>Pending for 1 to 2 years</td>
<td>26982 cases</td>
<td>11.0%</td>
</tr>
<tr>
<td>Pending for 2 to 3 years</td>
<td>11343 cases</td>
<td>4.62%</td>
</tr>
<tr>
<td>Pending for 3 to 5 years</td>
<td>5742 cases</td>
<td>2.34%</td>
</tr>
<tr>
<td>Pending above 5 years</td>
<td>1569 cases</td>
<td>0.63%</td>
</tr>
</tbody>
</table>

One is faced with a situation whereby as far as the higher judiciary and enlightened forces within the system is concerned, the system should be accessible to the marginalized, whereas in practice, the rights and facilities offered by the system somehow eludes those who are most in need. The major reason why it functions thus is
that the structures and investments required for implementing the court judgments, and
reform committee reports simply do not exist. In consonance with the changing realities
there have been little or no investments made to increase trained manpower, ensure to
legal rights, create rehabilitation structures and reduce overload on the system.

As per the Prison Statistics India 2006 (India, 2006), the total number of prisoners
provided various types educational facilities is in India during 2006 was 100959 (around
27% of total prison population). As far as vocational training is concerned, the figure for
prisoners provided such facilities during 2006 stood at 40338 (around 11%).

The total number of cases provided financial assistance on release during the year 2006
stands at an insignificant 1709 prisoners. Similarly, the number of convicts rehabilitated
during 2006 is 1632. Shockingly, as many as eighteen states have reported the number of
cases officially given financial assistance as zero and nineteen states have reported the
number of cases rehabilitated during the same period as zero (India, 2006).

As far as reforms in the CJS are concerned, important recommendations have been made
from time to time by the reform committees and commissions. The National Police
Commission’s Report (1977-1981) had made far reaching recommendations to improve
crime and crime investigation. Among them was to separate the law and order function
from the crime investigation role within policing to bring greater professionalism and
specialization in policing. Setting up of a State Security Commission and fixing the
tenures of police chiefs at police station, district and State level were also
recommendations which the political class refuses to acknowledge as the need of the hour
(India, 1981).

With regard to prison reforms, the government has set up working groups, committees
and commissions to investigate the issue and offer solutions. The more important among
them were the Justice Mulla Committee Report on Prison Reforms (1982-83) and the
Justice Krishna Iyer Committee on Women Prisoners (1986-87). These reports have, by
far, given the most comprehensive accounts of what ails our prisons, and suggested a
slew of measures.
The latest Draft National Policy on Prison Reforms and Correctional Administration, 2007 (India 2007), includes welcome changes to the Prisons Act of 1894. These include the introduction of a provision to provide for aftercare and rehabilitation services and the appointment of officers to provide legal aid for prisoners. Also envisaged are the establishment of a Research and Development wing, and financial assistance to non-governmental organisations working for the rehabilitation of prisoners and community-based alternatives to imprisonment for offenders convicted for relatively minor offences.

In seeking to improve deliverables of the Criminal Justice System, one has to first address the low personnel-population ratio compared to countries that have more effective justice delivery systems. Governments tend to refuse to fill up vacancies and augment the staff strength across criminal justice wings.

The first attempt towards the reform of the entire CJS was undertaken by the government with the constitution of the Committee on Reforms of the Criminal Justice System, headed by Justice V.S. Malimath. The Committee submitted its report to the Ministry of Home Affairs, Government of India in 2003 (India, 2003). The Committee has failed to take into account international human rights standards which establish a framework for human rights protection within Criminal Justice Systems throughout the world. Secondly, it has failed to address a vast range of important concerns about the current functioning of the CJS. The report fails to substantively address issues including the problems of access to justice; endemic corruption, discrimination and bias within institutions of the Criminal Justice System; and non-implementation of safeguards against police abuses, among others.

The report prepared by the Committee headed by Madhava Menon, on the Draft National Policy on Criminal Justice 2007 (India, 2007) gives a broad understanding of the CJS within India. It explains the concept of a national policy for criminal justice reforms and suggests areas which would need to be improved upon. It strongly recommends a modern and holistic approach to the issue of criminal justice reform within the Indian context.

The Report states that,
rule of law, democracy, development and human rights are dependent on the degree of success that the governments are able to achieve on the criminal justice front. Even national security is now-a-days increasingly getting linked to the maintenance of internal security. Given its so critical importance for social defense and national integrity, the need for a coherent, co-ordinated, long-term policy on criminal justice is obvious and urgent (India, 2007).

It is clear from the above section that there is an urgent need to bring reforms in the criminal justice system to address the myriad issues and problems that plague an archaic system, which was originally developed to serve the interests of the colonial powers, and which is out of tune with the developmental goals of the country and the nation building process. Since youth constitute a significant majority of persons being processed by the CJS, it is obvious that that they get negatively impacted by it. It may not be wholly out of place to conclude that one of the factors responsible for the criminalization of youth in our country is the way our criminal justice operates, particularly vis a vis the vulnerable and marginalized sections of society.
SECTION III: THE FOCUS OF THE STUDY

The professional criminal

The focus of this study is on youth offenders with particular reference to property offenders of serious nature. One of the major criticisms against criminological theory building in recent years is that it has focused more on questions dealing with macro issues in crime at the cost of studying the typology and specificity of crimes, despite the fact that Quinney has made a major contribution to the typologies of crime. In an attempt to address the structural issues in the analysis of crime, previously largely missing in criminological research, critical criminology has tended to overemphasize this aspect, and in the process the individual element in crime has got lost. There is an urgent need therefore, to refocus on phenomenological studies (Waldo, 1983, pp. 8-9).

If one is studying youth offenders arrested primarily in property crimes of serious nature, the underlying assumption is that one is primarily attempting to understand their profile and the reasons for their criminal behaviour. Many youth involved in such offences may have a history of arrests against their name i.e. they may be repeat offenders. One reason for repeat arrests may be that there exists police bias against criminals, due to their criminal record (purely based on suspicion). Another reason could be that recidivists are part of the universe of the professional criminals, who earn their livelihood through crime.

Inciardi’s work (1975) highlights the conditions necessary for the practice of professional crime. He reasons that the decline of the feudal order in the West and the subsequent rise of capitalism displaced large sections of the populace from the occupational structure, who in turn, invented alternative forms of subsistence, including criminal enterprises within the new urban centers. Accounts of professional crimes in England date from the fifteenth and sixteenth centuries when war and economic change forced peasants off the land. By the end of the nineteenth century, professional crime was firmly entrenched in England and in the United States. As per Quinney (1975), crime as an economy has prospered, often following and supported by the legal economy (Roebuck and Windham, 1983, p. 14).
Roebuck and Windham (1983) have defined the professional criminal as someone whose primary source of income is through criminal activities; lives and ‘plays out’ the criminal role in society in a manner that enables him to intersect the criminal and the straight world, possesses criminal skills; is moderately financially successful and is able to avoid frequent incarceration; and has identifiable work and play worlds including criminal co-workers, victims, tipsters, bail bondsmen, attorneys, confidants and the police (ibid., p. 15).

Sutherland’s (1937) sociological analysis of professional crime focused on criminal behaviour systems, rather than individual criminals, and this in turn, paved the way for other studies to analyse various types of criminal behaviour (Sutherland and Cressey, 1970; Walker, 1981). Several studies (Lemert, 1958; Cavan, 1962; Clinard and Quinney, 1967; Roebuck, 1967; Gibbons, 1977) on criminal typology have since been conducted such as on occupational criminals, auto thieves, gamblers, shoplifters, narcotic offenders, and fraud and forgery offenders (Roebuck and Windham, 1983, p. 17).

A break from Sutherland’s tradition of defining the professional criminal emerged from a study by a team of sociologists led by Gould (1966), whereby they saw the professional crime as an occupation, with the stress more on income than on skilled techniques or organization. They found that criminal activities were organised around the job at hand rather than any mob and the criminal associations were largely short lived (till the completion of the job). The focus seemed to be on the opportunity to make an illegal buck, rather than stable pattern of crime, relationships and organization. This study questioned Sutherland’s behaviour systems (ibid., pp. 17-19).

Further studies such as Messinger’s (1966) have shown that professional thieves as defined by Sutherland ‘are a dying breed’, and that pride in work were on the decline both in the non-criminal as well as the criminal world. According to him, the days of the specialist and the tutelage system are over, accompanied by weakening of loyalty among criminals. This decline was not because of a decrease of talented or interested persons who want to live off crime, but because of an increase of quasi-legal economic enterprises that attract skillful potential criminals, such as ‘hard sell’ schemes, used car
businesses, real estate, etc. where the line between legitimate and criminal activities were getting thinner. There was a latent labour force of criminals waiting around for criminal or quasi-criminal jobs (ibid, pp. 19-20).

Letkemann’s (1973) study tried to reverse this trend, with a sample of ‘professional’ criminals (paroled habitual offenders and federal prisoners). His findings showed that a career criminal is a person with specialized skills, tools and a life span; he has a commitment to criminal activity as a means of livelihood (at least in part), and this is what separates him from the non-professional criminal. Further, he attempted to prove that a criminal career could be analysed in the same manner as a legitimate career. Letkemann’s study tried to find a middle ground between Sutherland’s behaviour system requirements and Gould and Messinger’s amorphous and unidentifiable professional criminal (ibid., pp. 20-22).

Miller’s (1978) study analysed the patterned and identifiable work activities, roles, relationships, values and work rationales of career criminals involved in armed robbery, burglary, safecracking, confidence operations, medical quackery and fortunetelling. Miller’s career burglars and robbers lived in a ‘social niche’ occupied by a variety of actors engaged in diverse skills and activities, linked via supportive and complementary roles. Miller’s ‘social niche’ replaces Sutherland’s ‘mob’.

Deviant workers drift into deviant work as a consequence of regular activities within or without the career line. They acquire the required skills through informal training (by other deviant workers) and on-the-job learning. They enter the field to make more money than they could in legitimate employment. Many are initially employed in the entertainment-restaurant-liquor industry where skills and rationales are learnt as necessary for deviant work roles, and most importantly, many grew up in neighbourhoods where deviant career opportunities were available (ibid., pp. 22-23).

Pruis and Irini’s (1980) ethnographic study of a quasi-slum hotel community focused on the interrelatedness of the social and career roles found among those who lived and worked in an ‘underside’ community catering to the sensual and illicit entertainment
needs of insiders and outsiders, the work needs of insiders engaged in quasi-legal and illegal hustles, and those involved in night life either as patrons or as workers. They focused on ‘rounders’ or ‘true criminals’ and found them to be knowledgeable about street life, capable, connected with other rounders, trustworthy, ‘honest’ (with crime partners), committed to crime and free of organizational ties. They hustled in or nearby the community they grew up and there was interrelatedness and overlapping of community roles – through friendship, marriage, family or work ties – legal and illegal.

The studies by Letkemann, Miller and Pruis and Irini demonstrated that professional criminals of the Sutherland variety are still in business – with a behaviour system, some degree of specialization and presence of a social milieu in which they live. It is as if the journey in the sociological study of the career criminal, which started with Sutherland in 1937, have come an almost full circle. As Roebuck and Windham (1983) conclude,

> there is little consensus on the definition of the professional criminal. But none can deny the existence of the career criminals who approximate the professional criminal. Two questions emerge – at what point does one have a criminal career? At what point does the criminal career become professional? (p. 27)

These are questions that this study too would attempt to address. It emerges from the above discussion that the distinction between a career and professional criminal is a gray area, requiring further enquiry. It is dependant on methodology adopted, the site of the study and interpretation used in the study.

These studies bring out very well the intersection between the illegal and the legal worlds and highlight that the entry into the illegal world is often through the world of work which combines legal with illegal activities. They also bring out that the career criminal does not live exclusively in the under world but is part of both the under and the over world, moving in and out of criminal and social networks, managing to stay afloat in both.
Organised crime, gangs and extortion

Defining organised crime

The New Encyclopedia Britannica (1986) defines organised crime as a ‘...complex of highly centralized enterprises set up for the purpose of engaging in illegal activities’. According to Interpol, any group having a corporate structure whose primary objective is to obtain money through illegal activities, often surviving on fear and corruption come under the ambit of organized crime (Nesbitt, P., cited in Bresler, 1993, p. 319).

The term “organized crime” refers to crime that involves the co-operation of several different persons or groups for its successful execution. Organized crime is usually professional crime. The organization may be loose and general, or informal; or it may be definite and formal, involving a system of specifically defined relationships with mutual obligations and privileges. Crime organizations may involve small or large groups. ... Organized crime is devoted almost exclusively to economic ends, to the acquisition of wealth. The criminal is in this respect like most of the rest of us, but in order to obtain his end, he utilizes means which are deemed illegitimate (Lindesmith, 1941, p. 119).

The Interpol has a rather broad definition of organised crime. It defines it as ‘any enterprise or group of persons engaged in continuing illegal activity which has as its primary purpose the generation of profits irrespective of national boundaries’ (cited in Singh, D.R., 1999, p. 8).

According to the Maharashtra Control of Organised Crime Act 1999, ‘organised crime’ means

any continuing unlawful activity by an individual, singly or jointly, either as a member of an organised crime syndicate or on behalf of such syndicate, by use of violence or threat of violence or intimidation or coercion, or other unlawful means, with the objective of gaining pecuniary benefits, or gaining undue economic or other advantage for himself or any person or promoting insurgency (Maharashtra, 1999)

Tyler (1963) likens organised crime to the fabled elephant; it means many things to many people, depending on the discipline applied. He advocates a multi-disciplinary approach to understand and tackle the phenomenon, primarily for three reasons – the scale of its operations and its impact on the economy; its historic roots and capacity to renew itself.
time and again thus impacting on our present and our future; and being a reflection of our total culture and institutions and consequently, its ability to affect the same.

According to a report of the World Federation of United Nations Association (2007), ‘the relentless rise of the mafia is one of the most potent threats to our future, alongside global warming and scarcity of drinking water’. According to the report, international organised crime has become a $ 2 trillion (Rs. 80.75 lac crore) industry, threatening to pervert democracy and promoting global inequality. The annual takings of gangs are roughly twice the world’s combined defence budgets, half of which is paid in bribes to corrupt officials, promoting an international culture of bribery. Over $ 520 billion (Rs. 20.8 lac crores) of this black economy comes from counterfeiting and piracy; $ 320 billion (Rs. 12.8 lac crores) from narcotics and $ 44 billion (Rs. 1.76 lac crores) from the human trafficking industry. Nearly twenty seven million people are held in slavery, most of them Asian women (Hindustan Times, 2007, p. 1).

Panigrahi and Thomas (2007) writing about the counterfeiting industry in the country point out that underworld don Dawood Ibrahim sends fake currency ‘into the country by land, air and water’. Quoting M. N. Singh, former police commissioner of Mumbai, they say that the smuggling of high grade counterfeit into the country began after the serial blasts in Mumbai in 1993. Prior to that, the business was localized and the technology used crude. Singh also highlights the fact that this trade cannot be carried on without the connivance of local officials at Indian entry points (p. 2).

The illegitimate side of the underworld operation is a cash business with no reported income and no taxes to pay the State. The businessman who pays for his protection, or enters into a ‘silent partnership’ with the underworld never records the income earned through this source. It is for this reason that it becomes very difficult to trace income and allocate it to organized crime. The nexus between the underworld and legitimate businesses has been steadily rising. The underworld today may be deriving as much of its net earnings from the legal businesses as from the illegal. A time may come when it may become impossible to separate the two.
**Historical background of organised crime**

According to Chamberlin (1932), organised crime is as ancient as civilization. It begins at a time older than recorded history. It is a tradition dating back farther than the days when Hiram Abif, grand architect of the Temple of Solomon, was slain by ruffians who attempted to wrest from him the secret that would enable them to ply their vocation successfully in new fields of endeavor (p. 652).

Tyler (1963) states that the history of organised crime in the U.S. is as old as the nation itself. Organised crime syndicates emerged with emergence of the earliest pirates, who were organised, ran a profitable business and had tight political ties with the colonial governments, even sharing their spoils with their political allies. E.J. Hobsbawm coined the term ‘social bandits’ for the gangs which fought on behalf of the Tories and the patriots. Early nineteenth century saw the emergence of the ‘city mobs’ of New York and San Francisco, arising out of the ethnic frictions, poverty, and crude politics of the early metropolises. The latter half of the nineteenth century produced gangs encouraged by the profound social antagonisms characteristic of the period before and after the American civil war.

The end of the century produced innumerable gangs of gun toting mercenaries or prime parties involved in multiple social struggles over the new wealth of the nation – land, cattle, grazing fields, mining, and timber properties. Early twentieth century saw the rise of city wide gangs in alliance with the new rich and the new political class in an effort to consolidate their newly acquired wealth and power. These gangs merged themselves with the mobs during the prohibition era. In the post-prohibition era, the new recruits to the gangs extended themselves to wide scale industrial racketeering and bringing sophistication and class to their activities. Tyler summarizes the discussion on the history of organised crime in America by stating that each decade produces a set of recruits – whether for the refined or the rough end of operations. Organized crime continues, with changed names and changed modus operandi. The institution survives the men – and grows (pp. 107-109).
In the Indian context, according to Gill (1998), textual and anecdotal sources are replete with advice to the king on how to deal with corruption. The Rigveda, Kalhana’s Rajtarangini, Jatakas, Manusmriti, Yajnavalka, the Mahabharata and the Arthashastra have repeated references to corruption and extortion by corrupt officials, and wily and deceitful officers robbing the treasury. Later, exchange of gifts was institutionalized during the Mughal period. Offering of Nazrana and Bakshish became commonplace and substitute words for corruption, bribery and extortion by government officials (cited in Singh, D.R., 1999, pp. 12-14).

In the post independence period, governance has been plagued by corruption in high places, money laundering and hawala\(^{16}\) transactions where the underworld has been a conduit if not a collaborator in siphoning and transfer of ill-gotten wealth through award of government contracts, primarily in roads, building-construction and infrastructure projects and in the procurement and distribution and goods and services as part of anti-poverty programmes. Singh’s (1999) study details essentially three types of activities under the organised crime network in the country – money laundering, narcotics trade, and diverting funds earned from narcotics into real estate and other businesses. Extortion and contract killings are activities that gangs carry out to maintain their power through the demonstration of brute force and also to earn ‘side income’.

**Some characteristics of organised crime**

The illegal economic activities that were the mainstay of organised crime in America according to Chamberlin (1932) were illicit liquor, prostitution, murder, corruption, extortion, coercion and gambling. These activities employed thousands through its retail and distribution chains, and fueled the growth of transportation companies, communication organisations and automobile manufacturers. They received the protection of politicians and criminal justice functionaries alike and employed lawyers criminals whose job it was to subvert the ends of justice process through technical errors committed by the prosecution, use of force against witnesses and bribery of officials.

\(^{16}\) An illegal racket of transferring unaccounted wealth from one destination to another, by paying a commission to the hawala operator. Through this system money can be ‘couriered’ from one city to another in any part of the world, involving a nexus between the underworld and officials who ‘allow’ such operations without being detected.
Johnson Jr. (1962) identifies six main fields of activities run by organised gangs in America – illegal gambling, narcotics, racketeering, prostitution, shylocking, and the infiltration of legitimate business. Of these, gambling accounted for probably half of the total profits earned by the gangs, followed by the profits out of the narcotics trade. Racketeering mainly refers to extortion of money from legitimate businesses and unions, and shylocking refers to loaning of money to legitimate and illegitimate businesses at usurious rates and recovery the money owed through use of force, if necessary. The earnings from prostitution seemed to be on the wane due to the entry of individual and amateur players. (p. 403).

In terms of the impact of a flourishing organised crime syndicate on the economy and polity, Johnson Jr. (1962) gives a long list. It leads to diversion of income from legitimate and socially useful outlets, suffocation of free competition, infliction of physical injury and death, deliberate expansion of vice, encouragement of derivative criminal conduct among other persons, the corruption of amateur and professional athletics, the subversion of democratic institutions, and the undermining of basic moral supports.

The changing face of organised crime

In order to survive, organised crime has kept pace with the developments taking place in the economy and polity. Wherever there a demand for goods and services which do not have space in the legal market, organised crime seems to step in to fulfill the demand. There is a cat-and-mouse game being played out between enforcement agencies and the underworld to outwit each other, with almost the same means being used by both parties. There are periods of intense rivalry and relative calm between them, depending on who has the upper hand at a given point in time.

In this see-saw battle, the illegal activities may change over time but organised crime continues to flourish. Whether the relationship between the underworld and the police is one of ‘peaceful co-existence’ or a no-holds-barred war is also dependant to a lesser or greater extent, on the level of political patronage enjoyed by the criminal gangs.
The ‘criminal business enterprise’ functions under political protection like corporate houses; however they modify the rules of the game to suit their end of making profits. According to Johnson Jr. (1962),

it operates under the guise of a supposedly legitimate business association organized for co-operative purposes. In soliciting members and contributors, however, it brings home the thought very forcibly that failure to join the group will mean the destruction of property. …The gang today is developing into an organization of professionals. It differs from the old gangs in that it is not an outgrowth of neighborhood play groups (pp. 659-60).

Analysing the reasons for the alarming growth of organised crime in the post-perestroika Russia, Frisby (1998) points out that the collapse of the Soviet order and the changes brought in the economy led by market forces has resulted in hyperinflation, sharp rise in unemployment and a poorer standard of living. In the absence of social security, the younger generation is pragmatic, individualistic and success and consumption-oriented.

The impact of Western mass media culture is leading to a state of cultural confusion and disorientation. The earlier reliance on family, work mates, neighbours and friends for social supports and economic survival and moral values is being replaced by money culture. …The poor on the whole are destitute, disaffected and disillusioned; they hate the state for betraying them and most of them would do almost anything to avoid poverty. This is the social context in which the increase in crime may be viewed (p. 29).

Frisby (1998) points out that in these circumstances, people in Russia increasingly rely on themselves for their own protection, as well as on private protection services. There is an increased tendency to take justice in one’s own hands, often with the help of criminal organisations, leading to the growth of 'shadow justice', dominated by criminals and violence. As a result, in all major cities, cases of assaults, shoot-outs, kidnapping and murders have become a common occurrence.

Singh’s (1999) and Vaidya’s (1999) studies give a broad picture of the prominent gangs operating in the city of Mumbai in the nineties and their range of activities. The first generation of gangsters comprising of Vardarajan Mudaliar, Haji Mastan and Yusuf Patel were largely involved in bootlegging, stealing in the docks and gold and silver smuggling. Ram Naik, Arun Gawli and Amar Naik gangs led the second generation of gangs and their major activities included extortion and collection of protection money.
from vegetable vendors, hawkers, bootleggers and rich businessmen and organising contract killings at the behest of business rivals.

Dawood and Chhota Rajan took organised crime to the next level in terms of area of operation, scope and magnitude of activities. They were the pioneers in changing the face of organised crime in India, from a localized activity to becoming a transnational presence, and expanding the type of activities to include narcotics trade, financing of films, arms and explosives smuggling, real estate deals, extortion, contract killings, hawala operations and investment in legal businesses.

Some of the gang leaders are now making an attempt to ‘clean up’ their image by getting into legal businesses such as running bars and real estate, or by entering politics. In the process, the support base of the gangs mainly comprising of youth who were involved in violent activities to bring in revenue for the gang are getting left behind.

Parmar (2008) points out that the Gawli gang is on the verge of collapse today primarily due to Gawli’s attempt to join politics. Once he floated his own political party, he began a process of discarding those with criminal antecedents and recruited people from a political background, leading to his sharp-shooters having to take a back seat. ‘Over the years, Gawli even stopped paying monthly allowances ranging between Rs. 3,000 to Rs. 30,000 to his old and trusted guards. He thought that his deadly reputation was enough for him to run his extortion and protection rackets, which he could continue without openly displaying his firepower’. The old-timers are either rotting in prison now or are ‘running small time errands like selling vada pav or working as guards with small-time builders. At least two of them have become insane and can be seen roaming around their residential areas in tattered clothes’ (p. 5).

**Norms and values**

Chamberlin (1932) points out that organised crime networks have traditionally been based on mutual friendships and interests, just as business and industry at one time was characterised by a spirit of comradeship between the employer and the employee. Today, mercenary interests rule both worlds. However gangs continue to be organised on a feudal basis with close links with the political feudal system. While the interests have
become largely profit-oriented, organizational relationships rest on loyalties, friendships and dependability.

Personal loyalty is above the law in these associations. The gangster has one idea and in carrying that out holds to his friendships. He is not interested in mere abstractions like justice, humanity and righteousness and does not consider things immoral merely because they are illegal. …However, friendship and loyalty as the basis of friendly relations among gangsters and politicians is being superseded by money culture (pp. 659-61).

Frisby’s (1998) study of the Russian underworld revealed that members of the criminal fraternity possessed a ‘high degree of criminal professionalism and organizational ability, a sense of the community, and loyalty to their brotherhood, its code and traditions’ (p. 34).

The underworld has its own standards, attitudes, and public opinion, and an informal, though effective, means of communication known as the “grapevine”. Its members share the common danger of arrest and imprisonment, and when in prison they must perforce live to some extent a common life. The prison experience and evasion of the law bind them together (Lindesmith, 1941, p. 119-120).

As stated in the Report of the (Chicago) City Council Committee on Crime: While this criminal group is not by any means completely organized, it has many of the characteristics of a system. It has its own language; it has its own laws; its own history; its traditions and customs; its own methods and techniques; its highly specialized machinery for attack upon persons and particularly upon property; its own highly specialized modes of defense. These professional criminals have inter-urban, interstate, and sometimes international connections (cited in Sutherland, 1937, pp. 209-10; as cited in Lindesmith, 1941, p. 119)

While there is no denying the fact that organised crime challenges the social order and a pluralistic, democratic society based on the principle of individual rights, entrepreneurial spirit and rule of law, it continues to be tolerated till it crosses a level, as pointed out by Tyler (1963), ‘of audacity and violence’ which threatens the existence of that same social order (p. 109).
Another defining feature of the gang culture is their proverbial hatred of the law enforcement agencies. Fiction and cinema thrive on the cop versus criminal plot with a shootout duel between the two as the grand finale of the story. The criminal “so hates the law, and the brass buttons and stars which to him are its symbol, that even in death he won't ‘turn copper’” (ibid., p. 121).

Rules and norms laid down are meant to be followed in the underworld. Betrayal is the biggest crime in the underworld and informers are seen as a despicable lot; one has to often pay for this ‘crime’ with death.

The stool pigeon thus finds himself in the unenviable position of being trusted by no one, not even by other stool pigeons. The effectiveness of gangster strategy is made painfully evident by the difficulty of solving gang murders. No one wants to talk, even though the killer may be known and the motives are self-evident. Witnesses vanish, refuse to appear, or suddenly seem to become deaf, blind, and dumb (ibid. p.122).

In many ways, the gang culture is a replica of the mainstream economy and culture. It is a part of the illegal or the ‘black’ economy, which has close links with the legal economy.

Gangs also have a perverse way of democratizing society, by redistributing wealth and political power in society; they provide jobs, organize political clubs, develop pull, elect candidates, sponsor community projects, donate to the charities. But money is not the only instrument of the underworld in politics. It also provides manpower: full-time workers as well as lesser retinue and small armies of loyal voters who come from the same subcultures as the gang. Organized crime, to the extent that it is criminal, runs illegal businesses or runs legal businesses illegally. But the underworld has an added weapon in its arsenal: its legitimate enterprises run legitimately. This last is no longer criminal in and of itself. But it provides wealth, industrial and financial status, social acceptance to a criminal “caste” (Tyler, 1963, p. 110).

The underworld also serves to meet demands for goods and services which are defined as illegitimate, but for which there is nevertheless a strong demand from respectable people. Prostitution, gambling and liquor during prohibition are examples. It is, therefore, a mistake to regard the underworld as a separate or detached organization; it is rather an integral part of our total culture. It is implicit in our economic, political, legal, and social organization (Lindesmith, 1941, p. 120).
Recruitment, entry and exit

One of the defining factors for organised crime to flourish is its ability to attract youth to join the rank and file of the organisation. For this to happen, the social political and cultural conditions should favour recruitment of youth into the activities sponsored by the gangs in large numbers. A city which celebrates money culture creates fertile conditions for the growth of illegal activities conducted by criminal gangs in close nexus the local authorities. In this culture of making money at all costs, success is synonymous with becoming rich. Most people look the other way while one makes money using means which may not always be legal or ethical. In the process, one rises up the social ladder as long as the ‘skeletons remain inside the cupboard’.

Writing about the growth of the Italian mafia in Chicago in the early twentieth century, Nelli (1969) notes that it grew out of local conditions that

favoured the rise, spread and persistence of extortion by violence. …Chicago’s Italian-community youngsters sought economic mobility through many channels, including crime. Children raised in “delinquency areas” could and did turn to work in legitimate lines and found success in commercial, trade and professional occupations. Nevertheless, illegal activities appeared to offer the quickest means available for monetary gain (p. 388).

Woetzel (1963) notes that the recruit to the organised crime network usually comes from a neighbourhood with a low standard of living; there is poor identification between social and cultural mores of his community and the legal codes that exist; he is product of an adolescent culture which gives primacy to loyalty and ‘turf rights’; he has a history of arrests in minor or violent offences; he faces social stigma leading to lack of legitimate employment options and an inferior socio-economic status and prestige in the community. His criminal background and antisocial attitude become excellent credentials for recruitment into criminal gangs.

When it comes to leaving the gang world, remorse and guilt may not be as much responsible as pragmatic reasons such as ability of survive the harshness of the gang culture or a realization that crime does not pay any more. Many may decide to leave once they feel that the risks outweigh the advantages of remaining inside. As Chamberlin
(1932) puts it, ‘the criminal group tries to make crime both profitable and safe. If the gangster decides to quit this line, it is not because of some pangs of remorse but because of a realization from his own experience that crime does not pay’ (p. 661).

**Extortion as an extension of organised crime**

No activity symbolises the presence of organised crime more than incidents of extortion that come to light through the media or the police from time to time. Along with kidnapping for ransom, these activities create fear and a sense of instability in the minds of the common citizen. The media reporting on such incidents is usually sensational and movies on crime and gangland thrive on the portrayal of such occurrences. In case of non-payment of the amount demanded by the offending party, it could lead to violent attacks on the victim such as assault, attempt to murder and murder. The attacks and killings are often executed in broad daylight, in public spaces and in an audacious manner involving dare devilry. The objective behind these attacks is to instill fear in the minds of the purported victims – businessmen, shopkeepers, owners of illegal activities such as gambling and betting rackets, pub owners, high income earning professionals, etc.

Lindgren (1993) categorises extortion into two types – extortion by threats or fear and extortion under colour of office. The former refers to ‘any illegal use of a threat or fear to obtain property or advantages from another, short of violence that would be robbery’. Extortion under colour of office is defined as

the seeking or receipt of a corrupt payment by a public official (or a pretended public official) because of his office or his ability to influence official action”. Further, the distinction between bribery and this type of extortion lies in the fact that there is an element of voluntariness in bribery; it is “a corrupt benefit given or received to influence official action (p. 1696).

Reviewing Chin’s (1996) study of extortion by Chinatown gangs in New York, Maxon (1997) brings to light that extortion of local merchants and businessmen is a regular and tolerated activity; it is institutionalized and normalized by the merchants; the gang demands are within acceptable limits; gang members hardly ever use violence to extract protection money, but violence is regularly used to settle intra and inter gang rivalries.
These gangs play a role in maintaining legitimate and illegitimate social order and define the structure of youth groups in the ethnic community (p. 227).

Venkatesh’s (1997) review of the same study brings out the theoretical dilemma faced by many researchers in terms of where to situate the activities of Chinatown gangs – as part of street crime or organised crime theories. Venkatesh also highlights another aspect which repeated comes up in the study of organised crime – for many of the gang members, money is the primary motivation to join the gang.

Konrad and Skaperdas (1997) in a paper which examines the economic effects of extortion, point out that ‘organised crime exists in virtually all countries and extortion of productive enterprises in their territories is one of their central activities’. The ease and minimum risk with which a gang can carry out an extortion threat depends on how effective the organisation of the gang is in terms of carrying out its threat and the extent of police or other protection the victim receives.

Highlighting the effects of extortion, Konrad and Skaperdas note that ‘extortion gradually reduces productive economic activity in an area controlled by gangs and also can lead to destruction of productive resources already deployed in such an area’. If the State is unable to commit to investments in providing protection to its citizens from extortion threats, a power vacuum gets created, which in turn usually gets filled by a gang (after protracted struggles between rival gangs) ‘that does not engage in pure extortion and may in fact protect the shopkeeper from some third-party crime’. Whether the social norms are in support or against the existence of gangs is an important determinant to the success of gangs in an area. Education and social awareness programmes can combat the presence of pro-gang values better than policing in the long run (pp. 472-473).

Extortion rackets were the mainstay of gang activity in Mumbai till the nineties. It started with demanding ‘protection money’ from vegetable sellers, hawkers and shopkeepers from the main market areas of the city such as Dadar and Byculla, with each gang marking out their territories and may ‘turf wars’ between gangs over the issue of territoriality from time to time. It graduated into extortion of builders, diamond merchants, bar owners, persons belonging to the film industry and highly successful
professionals. It was at its peak during the nineties until a crackdown by the Mumbai police, which finally led to abating of this activity in the last five years or so (Singh, D.R., 1999; Vaidya, R.B., 1999, Chatterji, R., 2006).

Extortion has taken various forms – as part of organised crime activities, local extortionists who are small-time criminals, extortion by dubious persons and cheats posing as media persons, even local youth trying to make a fast buck by using the name of a *bhai*, extortion by policemen, etc. (Ali, S.A., 2009, p. 3; Ali, S.A., 2008, p. 1).

**Youth gangs and youth involvement in gang related / organised crimes**

There is a plethora of literature (mostly Western) on youth gang studies and youth involvement in delinquent and/or street gangs. In fact, some of the pioneering studies using ethnography and qualitative research methods have centred on this issue. This is because qualitative research design lends itself well to understanding phenomena such as deviance and crime. However, most studies studied deviance and delinquent behaviour among adolescents and teenagers rather than among adult youth.

In the opinion of the researcher, this was because urban America has been reeling under the emergence of street-based and/or adolescent youth gangs since the fifties. Secondly, it was easier studying delinquency rather than adult crime, from the point of view of data sources. Older youth were not as easily available and open to be subjects compared to teenagers. These studies created a rich tradition of researchers who validated earlier studies or came up with new findings.

One is therefore faced with a situation where there has been much theorisation on organised crime based on official crime statistics and prison data on the one hand and qualitative studies on teenage and street crime at the micro level. However there are very few studies which are based on youth involvement in organised crime. Presented below is an attempt to review studies on youth gangs and youth involvement in street crime, which may, in the opinion of the researcher, apply to youth involvement in organised crime.

The following section is based largely on Spergel’s (1990) and Howell’s (1998) papers, who have both done an exhaustive review of existing literature (mostly Western though)
on youth gangs. The researcher found these two papers very comprehensive covering almost all aspects of the youth gang phenomenon. These have been supplemented by a few other authors who were found to be relevant to this study.

**History of youth gangs**

Youth gangs have existed across time and cultures. According to Spergel (1990), they ‘tend to develop during times of rapid social change and economic instability. They function as a residual social institution when other institutions fail and provide a certain degree of order and solidarity for their members’ (p. 171).

Spergel (1990) highlights the existence of youth gangs across nations – since the sixteenth century in London; and before the nineteenth century in urban centres of America.

Gang problems have been reported in Europe, the Soviet Union, Kenya, Tanzania, South Africa, Australia, Mexico, Brazil, Peru, Taiwan, South Korea, Hong Kong, and the People's Republic of China. …Youth gangs apparently are present in both socialist and free-market societies and in both developing and developed countries. …The Japanese Yakuza (DeVos, Wagatasuma, Caudill, and Mizushima 1973), the Chinese Triads (Morgan 1960; President's Commission on Organized Crime 1985), and the Italian Mafia (Arlacchi 1986) are organized criminal adult gangs, which have youth street-gang affiliates or aspirants (p. 172).

According to Howell (1998), youth gangs may have first appeared in Europe (Klein, 1996) or Mexico (Redfield, 1941; Rubel, 1965). No one is sure when or why they emerged in the United States. The earliest record of their appearance in the United States may have been as early as 1783, as the American Revolution ended (Sante, 1991; Sheldon, 1898). They may have emerged spontaneously from adolescent play groups or as a collective response to urban conditions in this country (Thrasher, 1927). Some suggest they first emerged following the Mexican migration to the Southwest after the Mexican Revolution in 1813 (Redfield, 1941; Rubel, 1965). …Gangs appear to have spread in New England in the early 1800’s as the Industrial Revolution gained momentum in the first large cities in the United States: New York, Boston, and Philadelphia (Finestone, 1976; Sante, 1991; Spergel, 1995) (p. 2).
Howell (1998) adds that gangs began to flourish in Chicago and other large cities during the industrial era, when immigration and population shifts reached peak levels (Finestone, 1976). Early in American history, gangs seem to have been most visible and most violent during periods of rapid population shifts. The evolution and growth of gangs has been witnessed many ups and downs and “at any given time more closely resembles that of, say, influenza rather than blindness,” as Miller (1992:51) has observed. “The United States has seen four distinct periods of gang growth and peak activity: the late 1800’s, the 1920’s, the 1960’s, and the 1990’s (Curry and Decker, 1998). Gang proliferation, in other words, is not a constant (p.2).

…Youth gangs are especially widespread in certain cities with chronic gang problems such as Chicago (Block et al., 1996) and Los Angeles (Klein, 1995). Chicago is said to have about 132 gangs (Block et al., 1996), with an estimated membership of 30,000 to 50,000 hardcore gang members (Chicago Crime Commission, 1995) (p. 4).

Analysing the growth of gangs in the modern era, Howell (1998) points out that, youth gangs have been influenced by several trends. In the 1970’s and 1980’s, because of increased mobility and access to more lethal weapons, many gangs became more dangerous (Klein, 1995; Klein and Maxson, 1989; Miller, 1974, 1992; Spergel, 1995). Gang fights previously involving fists or brass knuckles increasingly involved guns. The growing availability of automobiles, coupled with the use of more lethal weapons, fueled the growth of drive-by shootings, a tactic that previously took the form of on-foot hit-and-run forays (Miller, 1966). Gangs of the 1980’s and 1990’s seem to have both more younger and more older members than before (Miller, 1992; Spergel, 1995), more members with prison records or ties to prison inmates (Hagedorn, 1988; Miller, 1992; Moore, 1990; Vigil, 1988), and more weapons of greater lethality (Block and Block, 1993; Miller, 1992; National Drug Intelligence Center, 1995). They are less concerned with territorial affiliations (Fagan, 1990; Klein, 1995), use alcohol and drugs more extensively (Decker and Van Winkle, 1996; Fagan, 1990; Thornberry, 1998), and are more involved in drug trafficking (Battin et al., 1998; Fagan, 1990; Miller, 1992; Taylor, 1989; Thornberry, 1998) (p. 2).

In the words of Spergel (1990),

there were and continue to be different views about the nature, scope, and severity of youth gang activities. The American boy gang was in earlier times often regarded as spirited, venturesome, and fun loving, mainly a problem of unsupervised lower-class youth from immigrant families situated in transitional inner-city areas (Puffer 1912; Thrasher 1936). Just before and after World
War II certain researchers (Whyte 1943; Suttles 1968) emphasized the stable, organized, functionally constructive, protective, non aggressive character of many youth gangs or street corner groups. Close connections between delinquent and adult criminal groups or gangs were noted in the early research of Thrasher (1936) and Shaw and McKay (1943)…(p. 173).

Quoting various sources, Howell (1998) says,

the use of violence to protect the neighborhood, or gang turf, from rival gangs is also a predominant goal in Chicago (Block and Block, 1993), San Diego (Pennell et al., 1994), and St. Louis (Decker and Van Winkle, 1996). Violence is rarely planned and generally occurs spontaneously among gangs (Decker and Van Winkle, 1996; Sanchez-Jankowski, 1991; Pennell et al., 1994) in response to a wide variety of situations (Horowitz and Schwartz, 1974; Sanders, 1994) (p. 3).

However, it would be wrong to conclude that gangs are indulging in mindless violence at all times. In fact, as Howell (1998) quoting various sources, says, ‘for the most part, gang members “hang out” and are involved in other normal adolescent social activities, but drinking, drug use, and drug trafficking are also common (Battin et al., 1998; Decker and Van Winkle, 1996; Esbensen, Huizinga, and Weiher, 1993)’ (p. 8). Venkatesh (2008) also bears out the fact that gang members ‘hang out’ most of the time. ‘For the most part, it seemed that J.T.’s gang members spent their time hanging around on street corners, selling drugs, shooting dice, playing sports, and talking about women’ (p.116).

Escobar (2000) summarises the findings from Schneider’s (1999) study on development and culture of youth gangs on postwar New York saying that,

working-class adolescent males turned to gang life to affirm their masculinity. The normal methods of defining and attaining masculine identity were threatened in postwar New York by a sharp decrease in the availability of manufacturing jobs, which diminished both adolescents' esteem for their fathers as role models and their chances of acquiring their own well-paying, manly jobs. …In the late sixties and early seventies, the gangs went into decline because of demographic shifts, successful interventions by social workers and police, and the impact of the Puerto Rican and black power movements. In the 1980s, the gangs reemerged, more violent than ever, as entrepreneurial organizations that sold crack cocaine (p. 742).
Analysing the reasons for the changing nature of gangs, Howell (1998) points out that the changes taking place in the political economy in the world may be creating the conditions leading to increased involvement of youth in violent gang activities.

The transition during the 1970’s from a manufacturing to a service-based economy in the United States drastically changed economic conditions, reducing the demand for low-skilled workers in an increasingly service-oriented, high-tech society, restricting their access to the labor market, and blocking their upward mobility, creating what Glasgow (1980) first called the underclass (see also Wilson, 1987, 1996). Fagan (1996) describes the underclass’ plight as being permanently excluded from participating in mainstream labor market occupations.

As a result, members of the underclass must rely on other economic alternatives: low-paying temporary jobs, part-time jobs in the secondary labor market, some form of welfare or dependence on friends and relatives, or involvement in drug trafficking and other profitable street crimes (Moore, 1988) (p. 5). Several gang researchers (Bursik and Grasmick, 1993; Decker, 1996; Hagedorn, 1988; Moore, 1978, 1985; Sullivan 1989; Vigil, 1988) have argued that crime, delinquency, gangs, and youth violence have increased in the 1980’s and 1990’s as a result of these postindustrial society conditions (p. 5).

**Defining youth gangs**

In the context of this historical background and changing nature of youth gang, it becomes necessary to define youth gangs, in terms of its characteristics and nature.

According to Howell (1998),

numerous ways of classifying gangs other than by ethnicity have been devised (Spergel, 1995), although the gangs’ complexity, variations, and changing structure practically defy static categories. One way of viewing gangs is along a continuum of degree of organization (Gordon, 1994), from youth groups who hang out together in shopping malls and other places; to criminal groups, small clusters of friends who band together to commit crimes such as fencing operations; …to adult criminal organizations that engage in criminal activity primarily for economic reasons. The latter, also called criminal gangs, are not considered youth gangs. Distinguishing among these various forms of gangs is often not easy; in some areas, groups may evolve from less formal to more formal organizations along this continuum (p. 3).

Viewing it from the point of view of the actor, according to one gang member, “being in a gang means if I didn't have no family, I'll think that's where I'll be. If I didn't have no job that's where I'd be. To me it’s community help without all the community. They'll understand better than my
mother and father” (Hagedorn 1988, p. 131). A former gang member, later a staff member of a local community organization, says: “A gang is what you make it. A gang is people who hang out; they don't have to be negative or positive” (Allen 1981, p. 74) (cited in Spergel, 1990, p. 178).

As Howell (1990) says, ‘the gang provides family-like relationships for adolescents who feel isolated, drifting between their native and adopted cultures and feeling alienated from both (Vigil, 1990a, 1990b; Vigil and Long, 1990)’ (p. 3).

The gang in this perspective may be viewed as performing significant social functions. It is an “interstitial” group, integrated or organized through conflict. While its opposition may include other baseball teams, parents, storekeepers, and gangs on the next street” (Thrasher 1936), the “gang is not organized to commit delinquent acts. . . .The gang is a form of collective behavior, spontaneous and unplanned in origin” (Kornhauser 1978, p. 52; cited in Spergel, 1990, p. 178).

According to Howell (1998),

the gang’s relevance goes beyond its relationship to individual gang members. For example, gangs serve as carriers of community traditions and culture (Miller, 1958; Moore, 1978). Second, a youth’s identification with a gang affects how others react to him or her. To illustrate, Esbensen and Huizinga (1993) found that negative labeling of gang members is linked to elevated offenses (p. 5).

However, Yablonsky (1959) differs from the ‘social function and role’ understanding of gang and asserts that it is a medium for disturbed youth to express themselves in a group situation.

A prime function of the gang is to provide a channel to act out hostility and aggression to satisfy the continuing and momentary emotional needs of its members. The gang is a convenient and malleable structure quickly adaptable to the needs of emotionally disturbed youths, who are unable to fulfill the responsibility and demands required for participation in constructive groups. He belongs to the gang because he lacks the social ability to relate to others and to assume responsibility for the relationship, not because the gang gives him a “feeling of belonging” (p. 115).

Howell concurs with Curry and Decker (1998) and Miller (1992) and underlines the common elements in youth gang definitions: ‘a self-formed group, united by mutual interests that controls a particular territory, facility, or enterprise; uses symbols in communications; and is collectively involved in crime’ (p. 4).
Spergel (1990) underlines that the main principal criterion to define a “gang” is its participation in illegal activity. He cites Needle and Stapleton (1983, p. 13), who suggest that,

> “the perception of youth gang activities as major, moderate, or minor problems varies with the number and size of youth gangs, the problems they are believed to cause, and the prevalence of youth gang activity as a proportion of total crime. The media, distressed local citizens, and outreach community agencies tend to use the term more broadly than the police to cover more categories of youth behavior” (p. 179).

**Gang organisation, structure and membership**

According to Spergel (1990), ‘gangs have been viewed both as loosely knit and well organized. It is possible that the loosely knit characterization refers to process, while the organized characterization refers to gang structure, form, or longevity’ (p. 199).

Yablonsky (1959) asserts that recent sociological research has tended to view gangs as groups rather than as ‘near-groups’. He says that this perception of viewing gangs as organised groups is based on popular images rather than based on empirical findings. This leads to several distortions such as:

1. the gang has a measurable number of members, (2) membership is defined, (3) the role of members is specified, (4) there is a consensus of understood gang norms among gang members, and (5) gang leadership is clear and entails a flow of authority and direction of action’ (p.112). In contrast, viewed as near-groups, gangs may be characterised by ‘(1) diffuse role definition, (2) limited cohesion, (3) impermanence, (4) minimal consensus of norms, (5) shifting membership, (6) disturbed leadership, and (7) limited definitions of membership expectations (Yablonsky, 1962, p. 286; cited in Spergel, 1990, p. 199).

The traditional gang, according to Klein (1968), is ‘an amorphous mass, group goals are usually minimal, membership unstable, and group norms not distinguishable from those of the surrounding neighborhood’ (cited in Spergel, 1990, p. 199).

Yablonsky’s (1959) research based on data from 30 groups shows three levels of membership in gangs – the first level comprising the leaders are the most psychologically disturbed. They need the gang the most ‘in order to deal with their personal problems of inadequacy’, and provide the gang’s most cohesive force. At the second level are youths
‘who claim affiliation to the gang but only participate in it according to their emotional needs at given times’. At the third level are peripheral members ‘who will join in with gang activity on occasion, although they seldom identify themselves as members of the gang at times’. The size of a gang keeps changing. Many members exist at the thought level. At any given point of time, the actual membership is directly proportional to the level of insecurity of existing members (p. 113).

Howell (1998) says that the popular image of youth gangs is one of an increasingly formally organized, threatening and feared group. Super-gangs with thousands of members have existed since the sixties; growing even larger during times of conflicts or crisis (Spergel, 1995, 1990). Some of the drug syndicates have very sophisticated organizational networks, much like large corporations. They have a corporate hierarchy headed by a chairman of the board, a board of directors, governors (who control drug trafficking within geographical areas), regents (who supply the drugs and oversee several drug-selling locations), area coordinators (who collect revenues from drug-selling spots), enforcers (who beat or kill members who cheat the gang or disobey rules), and “shorties” (youth who staff drug-selling spots and execute drug deals) (McCormick, 1996). Klein (1995:36) observed that “the old, traditional gang structure of past decades seems to be declining.” (pp 12-13).

Similar accounts of the gang structure are reported by Venkatesh (2008) about the drug syndicates of Chicago. The management structure of the gang he studied resembled a corporate structure. ‘The BKs, like most other street gangs, had a small leadership class. J.T. kept only a few officers on his payroll: a treasurer, a couple of “enforcers,” a security coordinator, and then a set of lesser-paid “directors” who managed the six-person teams that did the actual street-level selling of crack’ (p. 116).

The issue of how long a gang member remains committed to a gang and whether or not he treats it as his career is well described by Spergel (1990).

Whether, and when, gang members maintain long-term or career roles is unclear. At one extreme, membership and gang roles are vague and shifting. Some members join for a short time-days or weeks. Gang members may "graduate" from a lower- to a higher-status gang role or even gang,
particularly as they grow older. However, they may also shift from core to peripheral roles and back again (p. 206).

In terms of whether gangs are age specific or territorial in their functioning, Spergel (1990) cites from the New York City Youth Board (1960, pp. 23-24), which categorised gangs into vertical and horizontal, in terms of their structure. ‘The vertical gang is structured along age lines and comprises youngsters living on the same block or in the immediate neighborhood’ (p. 199). The horizontal gang is spread across geographical communities comprising youngsters of middle or late teens. The latter usually develops out of the former and has become the most common type of gang structure. Supergangs today have the same name and are spread across neighborhoods, cities, states, and countries, ‘often originating in, or developing more sophisticated structures on the basis of, prison experience’ (pp. 200-201).

Spergel cites Sampson (1984, pp. 7-8) who says that gangs are undergoing an evolution from “fighting and relatively disorganized criminality to the level of organized criminal activity with adult participation . . . the transition from “protecting” a street corner to the utilization of the gang as a ‘power base’ to control narcotics flow on those same street corners should not be an unexpected one” (cited in p. 244).

An important concept in gang structure is the clique – usually representing the core members of the gang. As Spergel (1990) says,

the clique is the basic building block of the gang. The violent character of the gang is often determined by the membership interests of the key clique”. Thrasher (1936, pp. 320-21) defined the gang clique as a “spontaneous interest group usually of the conflict type which forms itself within some larger social structure such as a gang. . . . In a certain sense a well developed clique is an embryonic gang”. There could be more than one clique within a gang (pp. 203-204).

Venkatesh (2008) while commenting about factions and factionalism within the gang says,

there was a constant reshuffling and realignment of gang factions. This typically had less to do with dramatic events like a gang war and more to do with basic economics. When one local gang withered, it was usually because it was unable to supply enough crack to meet the demand or because the gang leader set his street dealers’ wages too low to attract motivated workers. In such
cases a gang’s leadership might transfer its distribution rights to a rival gang, a sort of merger in which the original gang got a small cut of the profits and the lower rank in the merged hierarchy. If running a drug gang wasn’t quite business as usual, it was nevertheless very much a business (p. 135).

There is prolific reportage in newspapers of gang violence due to intra and inter gang rivalries in cities like Mumbai. In fact, gangs in Mumbai are known as ‘gang war’ in popular parlance, symbolizing the fact that gang violence is a natural consequence of gang behaviour. These deadly and ruthless killings have occurred often in broad daylight, in crowded market places, roads, inside prisons and even in court premises. Often ego clashes between leaders within a gang, competing commercial interests or communal feelings may lead to killings of gangsters. The modus operandi is by either passing on information about their whereabouts to rival gangs or to the police or by hiring supari (contract) killers (Sharma, S., 2009, p. 2; Tiwary, D., 2009, p. 6; Swami, P., 1999; Dance with Shadows.com, 2006).

**Youth gangs and violence**

As highlighted in an earlier section, violence is a distinguishing feature of today’s gangs, especially in terms of the sophistication and the level of violence being used. In fact this feature separates adult and organised groups from juvenile gangs (Horowitz, 1983; Sanchez-Jankowski, 1991; Sanders, 1994; cited in Howell, 1998, p. 9). Howell (1998) adds that violence plays a role in gang maintenance, serving “to maintain organization within the gang and to control gang members (Decker and Van Winkle, 1996; Horowitz, 1983; Sanchez-Jankowski, 1991; Yablonsky, 1962)” (p. 9).

Short and Strodtbeck’s (1965) study showed that gang norms supported use of violence to settle internal disputes, and helped demonstrate one’s toughness, fighting ability and status within the gang. Block and Block (1993) have pointed out that violence helps achieve group goals such as member-recruitment, defending gang identity and honour, and turf protection and expansion (cited by Howell, 1998, p. 9).

Based on Decker’s (1996) study, Howell (1998) delineates ‘a seven-step process’ that accounts for the peaks and valleys in levels of gang violence. The process begins with a
loosely organized gang where gang members feel a loose bond with each other. Collective perception of a threat from a rival gang increases gang cohesion. This leads to a mobilising event followed by escalation of gang activity. This leads to a cycle of escalation and de-escalation of violence between rival gangs, further increasing gang cohesion between members (pp. 9-10).

However, most of the violence is directed at other gangs and usually does not affect the ordinary citizen. Most inter-gang conflicts are concentrated in specific areas with gang problems, and are over turf disputes generally played out in fights along the borders of disputed territory (Howell, 1998; Venkatesh, 2008).

Profile of youth gang members

Research shows that members of youth gangs are overwhelmingly male and come from lower or lower-middle class and ethnic/racial minority background. In analysing the reasons for the same, researchers have come up with theoretical underpinnings ranging from social disorganization, poverty and social decay, sub-culture, search for masculinity in female headed households, labeling by society and CJS, and bias in criminal justice processing.

As Spergel (1990) says, ‘contemporary youth gangs are located primarily in lower-class, slum, ghetto, or barrio communities; …they interact with community characteristics like poverty, social instability, and failures of interagency organization and social isolation’. Spergel cites from studies by Cartwright and Howard (1966), Cohel (1969), Spergel (1964) and Collins (1979) to point out that conflict groups do not come from the poorest families but rather from lower middle class backgrounds. ‘Gang activity appears to vary by race and ethnicity, although this may be a function of acculturation, access to criminal opportunities, and community stability factors’ (p. 211-215).

As far as age composition is concerned, most studies, as stated earlier, about youth gangs had focused on teenagers and adolescents. Thrasher (1936) categorised gang members into two categories: earlier adolescents (eleven to seventeen years) and later adolescents (sixteen to twenty-five years). Whyte's (1943) street-gang members were in their
twenties. However, in the recent past, researchers have begun to point out that many of
the gangs, especially those which have become horizontal or ‘supergangs’, do not any
more stick to an age criteria for membership. Overall, there is an increasing trend towards
increase in age of members who are part of youth gangs, particularly those involved in
drug dealing, extortion and other forms of organised crime (Venkatesh, 2008).

In the Indian context, gang members from organised crime background tend to come
from lower or lower middle class and semi-educated background. Vaidya’s (1999, pp.
84-85) study of eleven gangsters found that most of them belonged to lower- middle or
lower classes, lower caste or minorities. They took to crime primarily for economic
reasons, deprivation and caste based suppression. Some of them graduated from crime to
gangs as a result of police harassment. Most had committed their first crime between the
ages of 17-19 years, usually the first offence being a violent crime.

In terms of family background, Spergel (1990) points out that family disorganization may
lead to the youth seeking compensatory values in gang membership. The gang often plays
the role of a family to the gang members, providing relationships, norms, values and an
authority structure for decision making processes. This can be particularly compensatory
for upcountry migrant youth living atomized lives in cities.

The gang can be very appealing to immigrant or newcomer youths in urban areas who are cut off
culturally and socially as well as economically from their families. The gang leader often adopts a
paternal, or even a maternal, role somewhat passive but controlling, also providing guidance,

However family conflict or disorganization alone has not shown to lead to youth joining
gangs. As Spergel (1990) says, ‘there seems to be a consensus that other variables
interact with family variables to produce a gang-problem youth (Rutter and Giller 1983).
…Thus, the defects of family relationships or pressures (Joe and Robinson 1980) may not
lead to gang membership except where gangs are developing or already exist’ (p. 236).

In terms of educational background of youth involved in violent gangs, Spergel (1990)
quotes Klien (1968) confirming what is now well known: these youth are largely school
drop outs. ‘Participant-observation studies over three decades consistently indicate that gang members are typically behind in their studies or are school dropouts’ (p. 239).

Gerard and Buehler’s (1999) study about risk factors in family environment and youth problem behaviour may throw some light on why youth involved in gangs tend to drop out of schooling, given the fact that most of them also come from difficult family backgrounds. Their study brings out that a lack of involvement by parents in their child’s academic life lead to misbehavior in the classroom. There is a possible link between the educational quality of such home environments, academic difficulties faced by children coming from these families, and their increased problem behaviors. These results replicate previous findings and reaffirm the role that parenting quality plays in children's psychosocial adjustment.

As far as gang members’ intelligence and physical and mental health are concerned, there is lack of consensus in existing literature, as far as where they stand. Spergel (1990) reports that opinion is loaded in favour of the view that gang members’ intelligence may be somewhat below normal (Klein 1971), and that they tend towards being ‘hostile, disruptive, defiant, aloof, distant, arrogant, and defensive’ (G. Camp and C. Camp 1985, p. 12). Some studies show that core members tend to be pathological and gang leaders sociopaths or megalomaniacs. Members express their hostility and need for power through the gang (Yablonsky 1962; see also Cartwright, Tomson, and Schwartz 1975).

Klien’s (1971, pp. 81-85) study brings out that the gang youth may be emotionally unstable who has problems with interpersonal relationships and ‘poor impulse control’. Vigil’s study suggests that the gang performs the function of male initiation rites (Vigil 1988, pp. 5-8; see also A. Cohen 1955; Bloch and Niederhofffer 1958; Miller 1958). Yablonsky views violence in the gang context as ‘highly valued as a means for the achievement of reputation or “rep”’ (1962, pp. 194-292; cited in Spergel, 1990, 229-232).

Vaidya’s (1999, p. 85) study found gang members to have good physical build, sharp-witted and with a knack for planning and thorough execution of tasks.
Nexus with politics

The politician-gangster-police nexus is now part of folklore, fiction and the highlight of movies made on the mafia and the underworld. As Spergel (1990) says

Youth gangs have often been linked to urban political systems in times of rapid change and social turmoil. Gangs in some cities, particularly Chicago, and in some contexts, notably prisons, have provided a means of communication between elites and alienated low-income populations. ... A symbiotic relationship between urban politicians and gangs has been observed in low-income communities with highly fluid, weak, or fragmented political systems (p. 240).

The clout and social base of gang members in the community and their muscle power to force people into submission can no doubt be very handy to the politician looking to expand his base in an area or to rig an election result (Spergel, 1990, p. 242).

The gangster in return, would benefit from the protection that a local politician can offer to him, through his connections with the local police. By linking with the political community, the gang member’s space in the legitimate world increases. As Venkatesh (2008) writes,

> the “legit” image was vital to the gang’s underlying commercial mission: if law-abiding citizens viewed the gang as a politically productive enterprise, they might be less likely to complain about its drug sales. So J.T. continued to order his rank-and-file members to attend these political rallies, and he donated money to social organizations that called for gang members to turn their lives around. More than anything, I realized, J.T. was desperate to be recognized as something other than just a criminal (p. 83).

Entry and exit

The issue of why youth join gangs is similar to the central question posed by most criminologists: why do people commit crimes? Much theorisation in this area of study has centred on this question. Howell (1998) quotes from various sources to bring out some of the findings – need for prestige or status among peers, providing thrill and excitement, making money, need for protection from other gangs, compensating for the ‘underclass’ status of minority youth, providing social relationships and a sense of identity and providing a way to solve social adjustment problems, particularly those
relating to adolescence, and as a continuation of neighbourhood and parental traditions (p. 5).

Spergel (1990) says that most research on reasons for entry into and exit from youth gangs has focused on individual and social-psychological factors with the social or economical environment as a background. Some of the risk factors for entry into gangs identified so far include,

association with gang members; presence of neighborhood gangs; having a relative in a gang; failure at school; prior delinquency record, particularly for aggressive acts; and drug abuse (see Nidorf 1988; Spergel and Curry 1988). …Honor, loyalty, and fellowship are viewed as the reasons youths join gangs at a certain age, particularly in lower-class ethnic communities with extended family systems and strong traditional identification of the residents with each other and the neighborhood. …Multi-generation gang families identified with the same gang are not uncommon (Deukmejian 1981) (pp. 222-224).

Howell (1998) summarises the discussion on youth gangs by saying, ‘youth who grow up in more disorganized neighborhoods; who come from impoverished, distressed families; who do poorly in school and have low attachment to school and teachers; who associate with delinquent peers; and engage in various forms of problem behaviors are at increased risk for becoming gang members (Thornberry, 1998:157)’ (p. 8).

As far as reasons for leaving a gang are concerned, Spergel (1990) points out a variety of factors which may be at play. These include the role of a girlfriend, an interested adult or parents, the setting in of battle fatigue, the impact of continuous sparring and processing by the criminal justice system, moving out of an area, finding a suitable job or dissipation of the gang. There could also be impediments in the way of leaving gang membership. Continued physical proximity to other gang youth, neighbourhood or regular visits to the prison could make it difficult to leave the gang. Another important factor is the threat issued by other gangs or within the gang of violence or death, particularly if they are core members of a gang (p. 225).

Venkatesh (2008) writes quoting a senior gang member, “If I leave the gang, these niggers will come after me and kill me. If I stay in the gang, the police will throw me in jail for thirty years. But that’s the life…” (p. 255). One of the options offered by the
police to a gang member is to become a police informant; in return, he gets monetary compensation for leaving the gang as well as police protection. Often, the police lure a gang member who is tired of being in crime and want to quit it to become an informer. Informers are a hated community. It a dangerous option for an ex-gang member and exposure can lead to certain death.

Hafeez (2009) quotes a senior police officer attached to Mumbai Police and says, ‘most informers have enemies. A real informer will never come out in the open…’ (p. 3). There has been a spate of killings of informers in the recent past in Mumbai. The motive behind these killings includes revenge as well as infighting within gangs due to rival commercial interests (Swaminathan, P., 2009, p. 2; Dalvi, V., 2009, p. 8; Tiwary, D., 2009, p. 5).

It would not be incorrect to conclude, on the basis of the literature that the researcher was able to access on the issue of gang members exiting the crime world, that getting out of crime is an uphill task, much more than getting in.

This section on youth involvement in gangs and extortion has clearly brought out the process and reasons for entry, the characteristics of gangs, the profile of the youth joining gangs, nature of activities, and recruitment and exit processes. It shows that there is sufficient literature available on this topic in the Western context. However, whether these findings apply to Indian or Asian settings needs to be established. This study attempts to achieve this objective.